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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10276

ADMINISTRATION OF THE HOUSING AND RENT ACT OF 1947, AS AMENDED, AND TERMINATION OF THE OFFICE OF THE HOUSING EXPEDITER

By virtue of the authority vested in me by the Constitution and Statutes, including section 208 (a) of the Housing and Rent Act of 1947, as amended, and as President of the United States and Commander in Chief of the armed forces, it is hereby ordered as follows:

1. (a) All powers, duties, and functions conferred upon the President by Title II of the Housing and Rent Act of 1947, as amended, exclusive of section 208 (a), as amended, of the said Act, shall be administered through the Economic Stabilization Agency (established by Part IV of Executive Order No. 10161 of September 9, 1950). The said powers, duties, and functions may be exercised and performed by the Economic Stabilization Administrator or, subject to his direction and control, by such officers and agencies of the Economic Stabilization Agency as the said Administrator shall designate.

(b) All powers, duties, and functions conferred upon the President by Title I of the Housing and Rent Act of 1947, as amended, exclusive of section 4 (e) thereof, as amended, shall be administered through the Housing and Home Finance Agency. The said powers, duties, and functions may be exercised and performed by the Housing and Home Finance Administrator or, subject to his direction and control, by such officers and agencies of the Housing and Home Finance Agency as the said Administrator shall designate.

2. The Office of the Housing Expediter is hereby terminated and disposition shall be made of its affairs according to the following paragraphs of this order.

3. The records, property, and personnel of the Office of the Housing Expediter shall be transferred, and the unexpended balances of appropriations, allocations and other funds of the Office of the Housing Expediter shall be transferred or otherwise made available, to the Economic Stabilization Agency, except that any such records relating to matters within the scope of paragraph 1 (b) of this order shall be transferred to the Housing and Home Finance Agency. The Director of the Bureau of the Budget shall make such determinations and dispositions and take such measures, which shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate, as he shall deem to be necessary in order to effectuate the provisions of this section.

4. In order that the confidential status of any records affected by this order shall be fully protected and maintained, the use of any confidential records transferred hereunder shall be so restricted by the Economic Stabilization Agency and the Housing and Home Finance Agency as to prevent the disclosure of information concerning individual persons or firms to persons who are not engaged in functions or activities to which such records are directly related, except as provided for by law or as required in the final disposition thereof pursuant to law.

5. The authority of the Economic Stabilization Administrator under the provisions of this order shall, subject to the provisions of section 206 (e) of the Housing and Rent Act of 1947, as amended, be deemed to include authority to institute, maintain and defend civil proceedings in any court (including the Emergency Court of Appeals), relating to the matters within the scope of paragraph 1 (a) of this order including any such proceedings pending on the effective date of this order.

6. All provisions of prior Executive orders, proclamations or parts thereof in conflict with this order are amended accordingly. All other prior and currently effective orders, rules and regulations, directives and other similar instruments relating to any matter affected by the provisions of this order or issued by the Housing Expediter or the Office of the Housing Expediter terminated hereunder or by any predecessor or constituent agency thereof or by any Federal agency, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

7. The Economic Stabilization Administrator shall liquidate any of the

(Continued on p. 7537)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

affairs of the Office of the Housing Expediter not otherwise provided for in this order.

8. The provisions of this order shall be effective as of the effective date of the Defense Production Act Amendments of 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 31, 1951, 7:01 p. m., e. d. t.

[F. R. Doc. 51-8977; Filed, Aug. 1, 1951; 10:08 a. m.]

EXECUTIVE ORDER 10277

AMENDING REGULATIONS RELATING TO THE SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES OF THE UNITED STATES

By virtue of the authority vested in me by Public Law 679, 81st Congress, 2d Session, approved August 9, 1950, which amended section 1, Title II of the act of June 15, 1917, 40 Stat. 220 (50 U. S. C. 191), and as President of the United States, I hereby prescribe the following amendments of the regulations prescribed by Executive Order 10173 of October 18, 1950, which regulations constitute Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations:

1. Paragraph (a) of § 6.04–1 is amended to read as follows:

§ 6.04–1 *Enforcement.* (a) The rules and regulations in this part shall be enforced by the captain of the port under the supervision and general direction of the District Commander and the Commandant, and all authority and power vested in the captain of the port by the regulations in this part shall be deemed vested in and may be exercised by the District Commander and the Commandant.

2. Section 6.10–1 is amended to read as follows:

§ 6.10–1 *Issuance of documents and employment of persons aboard vessels.* No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any licensed officer or certificated man be employed on a merchant vessel of the United States unless the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the security of the United States: *Provided,* That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

3. Section 6.10–7 is amended to read as follows:

§ 6.10–7 *Identification credentials.* The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card unless he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would not be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast Guard Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as he may designate in lieu of the Coast Guard Port Security Card.

4. A new subpart 6.14 is added to read as follows:

SUBPART 6.14—SECURITY OF WATERFRONT FACILITIES AND VESSELS IN PORT

§ 6.14–1 *Safety measures.* The Commandant, in order to achieve the purposes of these regulations, may prescribe such conditions and restrictions relating to the safety of waterfront facilities and vessels in port as he finds to be necessary under existing circumstances. Such

conditions and restrictions may extend, but shall not be limited to, the inspection, operation, maintenance, guarding, and manning of, and fire-prevention measures for, such vessels and waterfront facilities.

§ 6.14–2 *Condition of waterfront facility a danger to vessel.* Whenever the captain of the port finds that the mooring of any vessel to a wharf, dock, pier, or other waterfront structure would endanger such vessel, or any other vessel, or the harbor or any facility therein by reason of conditions existing on or about such wharf, dock, pier, or other waterfront structure, including, but not limited to, inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, or unsatisfactory operation, the captain of the port may prevent the mooring of any vessel to such wharf, dock, pier, or other waterfront structure until the unsatisfactory condition or conditions so found are corrected, and he may, for the same reasons, after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other waterfront structure.

5. A new subpart 6.19 is added to read as follows:

SUBPART 6.19—RESPONSIBILITY FOR SECURITY OF VESSELS AND WATERFRONT FACILITIES

§ 6.19–1 *Primary responsibility.* Nothing contained in this part shall be construed as relieving the masters, owners, operators, and agents of vessels or other waterfront facilities from their primary responsibility for the protection and security of such vessels or waterfront facilities.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 1, 1951.

[F. R. Doc. 51–8984; Filed, Aug. 1, 1951; 10:43 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 526]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON COMMODITY LOANS

The rate of interest which may be charged by the Springfield Bank for Cooperatives and the Omaha Bank for Cooperatives, as specified in §§ 70.5 and 70.6 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 2½ per centum per annum, effective on and after August 1, 1951.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

Dated: July 30, 1951.

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 51–8902; Filed, Aug. 1, 1951; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

ORDER TERMINATING MARKETING ORDER AND PROVIDING FOR LIQUIDATION OF ASSETS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of Marketing Order No. 60, as amended (7 CFR, Part 960), hereinafter referred to as the "amended order," regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell, in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof, in the State of Indiana, hereinafter referred to as the "production area," it is hereby found and determined that the provisions of said amended order will, on and after 11:59 p. m., c. s. t., August 15, 1951, no longer tend to effectuate the declared policy of the act.

It is therefore ordered, That, subject to the terms and conditions which are set forth below, the provisions of said amended order be, and they are hereby, terminated effective at 11:59 p. m., c. s. t., August 15, 1951, pursuant to section 8c (16) (A) of the act and § 960.84 (b) of the amended order.

It is hereby further ordered, That the liquidation action in this instance shall be handled by the North Central Potato Committee (including members and alternates) as constituted at the effective time of the termination of said amended order, and in accordance with the terms and conditions which are set forth therein for application to liquidation action, said terms and conditions being set forth in § 960.85 thereof. To implement such indicated terms and conditions: It is hereby further ordered, as follows:

(1) Said committee members, as joint trustees, shall conduct the liquidation action subject to the general supervision and control of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C.

(2) Said trustees shall keep books, and other appropriate records of their operations, which shall reflect clearly all of their acts and transactions as trustees, which books and other records shall be subject, at any time, to examination by the Secretary or his designated representative.

(3) Any furniture, fixtures, or other personal property shall be sold by the trustees under such conditions and in such manner as may be approved in writing by the aforesaid Director of the Fruit and Vegetable Branch; and any funds derived from such sales shall become a part of the liquid assets for distribution to handlers after all obligations have been paid.

(4) Any balance of money remaining in excess of liabilities shall be disbursed to persons who were handlers during the current fiscal year; and such disbursement shall be made to each handler in the proportion that his respective contribution to the assessment fund for that fiscal year bears to the total contributions to the assessment fund for the fiscal year by all handlers.

(5) Said trustees shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder.

(6) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him.

With respect to violations, rights accrued, or liabilities incurred under the amended order being terminated prior to the effective time of such termination action, all provisions of said amended order in effect prior to the effective time of such termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, or liability.

Under date of June 8, 1951, there was issued an order (16 F. R. 5628) directing that a referendum be conducted among producers of Irish potatoes grown in the production area for the purpose of determining whether persons who were such producers during a representative period specified by the Secretary favored the termination of the amended order. The referendum conducted pursuant to the aforesaid referendum order developed that, of the producers who voted in such referendum, 62.6 percent by number favored or approved termination of said amended order, and that such producers who favored or approved termination of said amended order produced for market

78.1 percent of the production represented in the referendum.

It is hereby found and determined that it is impracticable and unnecessary to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that (1) interested potato producers have had an opportunity to express their preferences as to possible termination through the aforesaid referendum; (2) termination was favored by a majority of potato producers voting in the referendum; (3) no useful purpose would be served by continuing the amended order beyond the termination date set forth above, as no regulation has been in effect, and none is contemplated, during the current fiscal period, and (4) interested handlers might be adversely affected if the expense of liquidation of the committee's assets was increased by reason of the delay inherent in further rule making proceedings.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8884; Filed, Aug. 1, 1951; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[Fifth General Revision of Export Regulations, Amdt. 67 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

1. Section 373.7 *Special provisions for machinery and parts* is amended in the following particulars:

Subparagraph (3) of paragraph (a) *Information required with license applications to export machinery and parts* is amended to read as follows:

(3) With respect to replacement parts, applications must state the range of or specific sizes and types of the units of equipment for which the parts are required, the dollar value and quantity. A detailed list of the parts is required only with respect to automotive replacement parts proposed for export to certain destinations set forth in paragraph (d) of this section.

Paragraph (c) *Pumps, compressors, blowers, exhausters, fans, and parts,* subparagraph (1), subdivisions (i) and (ii) are amended to read as follows:

(i) Designed delivery pressure at pump discharge pounds per square inch (for deep well turbine pumps under Schedule B No. 735700). Reported pressure is to be the designed delivery pressure at pump discharge as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe;

(ii) Designed working temperature in degrees Fahrenheit for continuous operations;

A new paragraph (d) is added thereto to read as follows:

(d) *Automotive replacement parts.* In addition to the information required by paragraph (a) of this section, license applications covering automotive replacement parts for export to certain destinations, as set forth in subparagraphs (1) and (2) following, must be filed in accordance with the provisions set forth in subparagraph (3) of this paragraph (d).

(1) *Commodities.* The provisions of this paragraph are applicable to applications for licenses to export the following commodities to the destinations set forth in subparagraph (2) of this paragraph:

Schedule B No.	*Commodity*
547400	Carbon brushes for starting, lighting and ignition equipment (automotive only).
709200	Starting, lighting, and ignition equipment, except spark plugs.
769100	Ball bearings and parts, except balls (automotive only).
769200	Roller bearings and parts, except rollers (automotive only).
769310	Balls for bearings (automotive only).
769315	Rollers for bearings (automotive only).
792120	Leaf springs, automotive, for replacement.
792305	Automobile parts for replacement, n. e. s. (include parts for assembly on new vehicles with foreign names).
	Automobile engines for replacement on vehicles with either American or foreign trade names, or assembly on new vehicles with foreign trade names:
793130	Diesel and semi-Diesel.
793150	Gasoline.

(2) *Destinations.* The provisions of this paragraph are applicable to applications for licenses to export the commodities set forth in subparagraph (1) of this paragraph to any of the following destinations:

British Malaya (including the Colony of Singapore, the Federation of Malaya, the Colony of North Borneo (including Brunei and Labuan), the Colony of Sarawak, and other insular possessions).

Burma.
Ceylon.
Indochina (Vietnam, Laos, Cambodia).
Indonesia.
Philippines.
Thailand (Siam).

(3) *Additional application requirements.* In addition to the provisions of paragraph (a) of this section and other applicable requirements, applications for licenses to export automotive replacement parts listed in subparagraph (1) of this paragraph to the destinations set forth in subparagraph (2) of this paragraph (d) must be accompanied by the following documents:

(i) A photostatic or other true copy of the import permit issued to the purchaser or ultimate consignee named on the application. (See § 372.9.)

(ii) A statement containing the following information:

The total quantity of the commodities listed in subparagraph (1) of this paragraph exported by the applicant to the named ultimate consignee (or purchaser, if different) during the years 1950 and 1951; if none, so state.

Whether a letter of credit has been established for the proposed shipment; if so, give the number, dollar value, expiration date, and name and address of person by whom established. If no letter of credit has been established, state what method of financing will be used for the proposed shipment.

The unshipped balance on each outstanding export license, by OIT case number, for any of the automotive replacement parts listed in subparagraph (1) of this paragraph to the country of destination shown on the application.

This part of the amendment shall become effective as of July 26, 1951.

2. Section 380.1 *Transfer of licenses* is amended in the following particulars:

Paragraph (b) *Information from transferor* and paragraph (c) *Information from transferee* are amended to read as follows:

(b) *Information from transferor.* Transfer of export licenses may be effected only by amendment to the original license and only upon request of the original licensee.

In requesting transfer of an outstanding license, the licensee must submit a completed Form IT–763, Request for and Notice of Amendment Action, in triplicate, together with the original license if it is being held by him, and also a signed letter from the person to whom the license is to be transferred, giving supporting information as requested under paragraph (c) below. When setting forth the reasons for the requested transfer in item 10 of Form IT–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in item 12 of Form IT–763.

If the original license is being held by a collector of customs at the time the licensee submits request for transfer, he must show in item 11 of Form IT–763 the address of the collector of customs with whom the original license has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT–763, "Notice to Applicant," showing in item 4 of one copy the name and address of the original licensee and on the other copy the name and address of the person to whom the license is to be transferred. This extra triplicate (yellow) copy of Form IT–763 will be used for notifying the transferee of the action taken.

(c) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a

[1] This amendment was published in Current Export Bulletin No. 631, dated July 26, 1951. The amendment to § 373.7, paragraph (c), subparagraph (1), subdivisions (i) and (ii), which makes no substantive change, was published in the reprint pages of the Comprehensive Export Schedule, dated July 26, 1951.

signed letter from the person to whom transfer is to be made stating:

(1) That if transfer is approved, the transferee will assume all the transferor's responsibility to the Department of Commerce under the license and export regulations.

(2) Whether any consideration has been or will be paid for the transfer.

(3) That the transferee has an order (or an accepted order, where the commodity is subject to the accepted order requirement) from the foreign purchaser named on the license for the commodities described thereon. This part of the amendment shall become effective as of July 26, 1951.

3. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

Paragraph (b) *Where to file* is amended in the following particulars:

Subparagraph (2) is amended to read as follows:

(2) *Amendment requests on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the Department of Commerce field offices listed in subparagraph (1) of this paragraph are authorized to take action on requests for amendment of licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of obvious errors in the license, such as mistakes in typing in name and address.

(iii) Change of quantity or dollar value required as result of factors beyond the control of the licensee, such as unforeseen over-runs of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of the licensee's address.

Two new subparagraphs (3) and (4) are added thereto to read as follows:

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the following conditions. All such requests shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C.

(i) Licenses covering exportations to Subgroup A countries, Hong Kong, or Macao unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(ii) Requests for amendment of licenses involving shipments to be cleared from any port other than as authorized in subparagraph (1) of this paragraph, or where the intended port of exit is not known to the licensee.

(4) *Duplicate requests covering same license.* Requests for amendment shall not be submitted to or acted upon by any field office of the Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Washington office of the Office of International Trade, or by any other field office.

Paragraph (c) *Procedure for submitting requests for amendments*, subparagraph (2), is amended to read as follows:

(2) *Information required.* All numbered items shown on IT–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in answer to item 10.

In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply (*a*) with the provisions of § 372.3 (d) regarding a statement from the ultimate consignee (purchaser) if the shipment is destined to an R country; and (*b*) with the provisions of § 373.1 (b) regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification may be made on the back of Form IT–763 or on a sheet attached thereto.

Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully the circumstances which prevented shipment to the original country of destination, in item 10 of Form IT–763.

(ii) The address of the collector of customs with whom the license has been or will be deposited must be entered in item 11. If the exporter has not deposited his license with the collector at the intended port of exit, he must do so at the time of submitting his request for an amendment. The licensee must not retain the license when submitting an amendment request. If the exporter does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT–763; in which case, the applicant shall enter the word "Unknown" in answer to item 11.

(iii) In completing item 12, "Amend license to read as follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

This part of the amendment shall become effective as of July 26, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51–8901; Filed, Aug. 1, 1951; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 203.20b (d) (3) is hereby amended to read as follows:

(3) Where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 203.20a or to this section when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 203.20a or this section to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee. If the Commissioner finds that such expired commitment when issued was subject to the provisions of § 203.20a, but not to this section, the provisions of this section shall not apply, but the reopened or reissued commitment shall be subject to the same credit control provisions which were applicable to the expired commitment when issued.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1730g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., July 27, 1951.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 51–8873; Filed, Aug. 1, 1951; 8:50 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 221.26d (d) (3) is hereby amended to read as follows:

(3) Where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 221.26c or this section when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 221.26c or this section to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee. If the Commissioner finds that such expired commitment when issued was subject to the provisions of § 221.26c, but not to this section, the provisions of this section shall not apply, but the reopened or reissued commitment shall be subject to the same credit control provisions which were applicable to the expired commitment when issued.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., July 27, 1951.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 51–8874; Filed, Aug. 1, 1951; 8:50 a. m.]

Chapter VIII—Office of Housing Expediter

TERMINATION AND TRANSFER OF POWERS, DUTIES, AND FUNCTIONS

CROSS REFERENCE: For termination of the Office of Housing Expediter and transfer of powers, duties, and functions to the Economic Stabilization Administrator and the Housing and Home Finance Administrator, *see* Executive Order 10276, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

CROSS REFERENCE: For amendment of §§ 6.04–1, 6.10–1, and 6.10–7, and addition of §§ 6.14–1, 6.14–2, and 6.19–1, *see* Executive Order 10277, *supra*.

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN AND CONNECTING WATERS IN VICINITY OF MYRTLE ISLAND, VA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.48 is hereby prescribed, as follows:

§ 204.48 *Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range*—(a) *The danger zone.* The waters of the Atlantic Ocean and connecting waters within an area described as follows: Beginning at latitude 37°12′18″, longitude 75°46′00″; thence southwesterly to latitude 37°08′21″, longitude 75°50′00″; thence northwesterly along the arc of a circle having a radius of three nautical miles and centered at latitude 37°11′16″, longitude 75°49′29″, to latitude 37°10′14″, longitude 75°52′57″; thence northeasterly to latitude 37°14′12″, longitude 75°48′55″; and thence southeasterly along the arc of a circle having a radius of three nautical miles and centered at latitude 37°11′16″, longitude 75°49′29″, to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

(2) This section shall be enforced by the Commanding General, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[Regs. July 17, 1951, 800.2121–ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interprets or applies 40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8890; Filed, Aug. 1, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 18, Revision 1, Amendment 2]

CPR 18, REV. 1—MANUFACTURERS' PRICES FOR WOOL YARN AND FABRICS

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738) this Amendment 2 to Ceiling Price Regulation 18, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

The revocation of General Overriding Regulation 13, as amended, makes necessary the issuance of this amendment clarifying the status of Ceiling Price Regulation 18, Revision 1.

General Overriding Regulation 13 was issued to carry out the antirollback provisions contained in the extension of the Defense Production Act of 1950 until July 31, 1951, and the legislative intent which indicated that the *status quo* should be preserved pending further Congressional consideration. The effect of General Overriding Regulation 13 was to suspend the provisions of Ceiling Price Regulation 18, Revision 1 except as to those yarns and fabrics as to which the manufacturer had actually put the regulation into effect on or before June 30, 1951 and except as that regulation may have been used to price new yarns or fabrics pursuant to section 3 of General Overriding Regulation 13. The revocation of General Overriding Regulation 13 lifts this suspension and Ceiling Price Regulation 18, Revision 1, therefore, becomes applicable to all of a manufacturer's yarns and fabrics which are subject to its provisions.

As originally issued the regulation permitted manufacturers subject to the regulation to use either that regulation Ceiling Price Regulation 18 or the General Ceiling Price Regulation during the period between May 9, 1951, and June 11, 1951. On and after June 11, 1951, they were required to use Ceiling Price Regulation 18, Revision 1. Amendment 1 to the regulation extended to July 16, 1951, the date after which such manufacturers were required to use Ceiling Price Regulation 18, Revision 1. This Amendment 2 extends the period during which either the General Ceiling Price Regulation, Ceiling Price Regulation 18 or Ceiling Price Regulation 18, Revision 1 may be used to August 13, 1951, and requires the use of Ceiling Price Regulation 18, Revision 1 on and after that date.

It should be noted that but for the issuance of General Overriding Regulation 13 on June 30, 1951, the use of Ceiling Price Regulation 18, Revision 1 would have become mandatory on July 16, 1951, and that no extension of that date would have been granted. The extension granted by this amendment enables manufacturers, who in the confusion resulting during the interim period may not have completed the computations of their ceiling prices and filed the reports required in section 21 of the regulation, to do so. No further extension will be granted.

AMENDATORY PROVISION

Ceiling Price Regulation 18, Revision 1, as amended by Amendment 1, is hereby further amended in the following respects:

Wherever the date "July 16, 1951" appears in sections 1 and 22, that date is changed so as to read "August 13, 1951."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective on July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51–8933; Filed, July 31, 1951; 2:07 p. m.]

[Ceiling Price Regulation 22, Amendment 1 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The revocation of General Overriding Regulation 13, as amended, lifts the suspension of Ceiling Price Regulation 22 and its supplementary regulations. To conform with this action the effective date of this supplementary regulation and of the filing date for the reports provided for therein are extended.

AMENDATORY PROVISION

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended in the following respects:

1. The date "August 1, 1951" appearing in section 3 (c) is changed to "September 4, 1951" so as to make the paragraph read as follows:

(c) *Reports.* If you wish to add a maintenance aid repair materials cost adjustment to your base period prices, you must file with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C., on or before September 4, 1951, a statement

of the maintenance and repair materials cost adjustment factor or factors which you have computed, identifying the unit of your business or groups of units for which each such factor is computed. Thereafter you may add to your ceiling prices under section 3 of CPR 22 the maintenance and repair materials cost adjustment permitted by this section.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to Supplementary Regulation 7 shall become effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8932; Filed, July 31, 1951; 2:07 p. m.]

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 8]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 8—METHOD FOR DETERMINING CEILING PRICES FOR CERTAIN RUBBER PRODUCTS

ADDITIONS TO PRICE ADJUSTMENT TABLE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Amendment 1 to SR 8 to CPR 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 8 to Ceiling Price Regulation 22 enlarges section 4 to include the specified products listed below. Therefore the Statement of Considerations contained in Supplementary Regulation 8 applies here as well. As there stated, uniform cost increase factors were generally calculated on the basis of information submitted on Forms 15 or Forms 16 by at least fifty percent of the subject manufacturers by number and representing at least seventy percent of the production of the commodities in each group. The groupings of commodities as to which any specified base period and adjustment factor would apply and such specified base period were selected by OPS only after consultation with and on the recommendation of the particular industry advisory committee involved. Each manufacturer must multiply his prices in the specified base period by the applicable industry-wide cost factor to obtain his new ceiling prices for such products. It is expected that no general rise in the price level of any of listed rubber products will occur even where permitted by this regulation. Considerations of particular applicability are as follows:

As respects bare rubber thread, all the uniform cost increase factors fell between 1.32 and 1.53, being proportionately higher for the thicker size product lines. Some intermediate factors were adjusted slightly, with the advice and recommendation of the industry advisory committee, so as to insure normal price relationships. It is estimated that the use of these uniform factors will result in about a 5 to 6 percent over-all price decrease below the GCPR level.

In regard to adhesive plaster, gauze and cotton, the figures indicated that two factors applied to the base period prices of commodities in the two respective categories would be sufficient to appropriately reflect post-Korean cost increases for the entire industry. It was decided, on the recommendation of the industry advisory committee, to adjust the resulting figures to the GCPR price level in accordance with the principles of SR 2 to CPR 22. Since such an adjustment would result in only insignificant changes from the GCPR level, this regulation uses a factor of exactly 1.00 for both categories so as to maintain GCPR prices.

As respects rubber flooring, which is now made from synthetic rather than natural rubber, the industry-wide weighted average cost increase factor was approximately 17 percent, while rubber flooring prices had generally risen by approximately 14 percent. Therefore, ceiling prices for rubber flooring under this amendment will be slightly higher than under the General Ceiling Prices Regulation.

In the case of friction and rubber tape, all the uniform cost increase factors fell between 19 and 27 percent. Since the average weighted price increases on these four categories during the same period fell between 21 and 27 percent, the application of these cost increase factors to base period prices will result in slight rollbacks below the GCPR price level in two product lines and retention of GCPR ceiling prices for the other two.

With respect to V-belts, the weighted average cost increase factors for the seven product lines varied between 16.8 and 21.7 percent, while the price increases over the same period varied between 16.7 and 22.1 percent. After consultation with the industry, it was decided to translate the factor into GCPR terms in accordance with SR 2 to CPR 22. In view of the negligible differences in the amounts of mark-ups in five product lines between the base period and the cutoff date, a factor of 1.00 was assigned to all five product lines. Since the price increases were significantly greater than the cost increases in the other two product lines, a factor of 0.95 was assigned for farm equipment belts, and 0.97 for original equipment automotive type fan belts. The total effect of these changes is a slight rollback from the GCPR level.

As to flat rubber belting, the weighted average cost increases over a pre-Korea base for the nine items ranged from 18 percent to 34 percent. Price increases, however, were greater than cost increases except for chute lining and the extra cover thickness for the better grade of conveyor belting. The application of these cost increase factors, other than for the two exceptional items noted above, will result in rollbacks of from 2.5 percent to 10 percent below the GCPR level.

In the case of rubber hose, the 23 cost increase factors calculated ranged all the way from 8 percent to 32 percent because of the great variety of constructions and rubber compounds used in building hose. In 15 of the 23 product lines the weighted average cost increases from the base period to the cutoff date were less than the weighted average price increases over the same period, so that rollbacks from present ceiling price levels are required. In 8 of the 23 product lines the weighted average cost increases were greater than the weighted average price increases, so that rollforwards from present price levels would be permissible. These would be so slight, however, that the industry is not expected to take advantage of the permitted increases. It is anticipated that the cumulative result will show approximately a 3 percent to 4 percent rollback.

With regard to rubber lined tanks and pipes, the four weighted average cost increase factors, calculated on a base period of the last quarter of 1949, were found to be somewhat larger than the price adjustments over the same period.

As respects rubber covered rolls, the three weighted average cost and price increase factors fell between 8 and 30 percent, cost increases being higher than price increases in one case, lower in a second case, and about equal in the third.

As respects hard rubber rods, sheets, and tubes, of the six uniform cost increase factors, two are greater than, two are less than, and two are approximately the same as the corresponding average price increases over the same period.

With respect to hard rubber battery products, the cost increase factors since the respective base periods all varied within rather narrow limits, and the weighted average cost increases factors exceeded the price increases for the three product lines over the same period by a small amount in every case.

In the case of latex foam and chemically blown sponge rubber products, all cost increase factors were found to be substantially larger than the price adjustments over the same period. These results can be explained in part by the fact that the rubber cost is by far the highest cost entering into these products, by the large rise in the price of rubber, and by the shortage of synthetic rubber which is cheaper. When GSA announced a drop in the price of natural latex and natural crude rubber, effective July 1, 1951, the Director concluded that it would be undesirable and impractical to permit price increases based upon the previous high costs and instead made certain recalculations to take the price drop into account. Upon consultation with the industry, the Director determined that these lower adjustment factors were approximately in line with what they would have been if originally calculated at the recently announced GSA reduced price for natural rubber latex. All fifteen resulting cost increase factors, which are the ones appearing in section 4, are larger than the corresponding price increases so that rollforwards in all seven product lines are permissible.

As respects rubber mats and matting, excluding automotive and household mats, a comparison between weighted average cost and price increases since the base period indicates that cost in-

creases have been less than price increases for the first, third and fifth product lines, about equal for the second, and somewhat more for the fourth. The total effect of the ceiling price changes brought about by this regulation will probably be an over-all price decline rather than increase.

Concerning hydraulic brake cups and parts and boots, two of the calculated cost increase factors were greater than the corresponding percentage price increases since the base period, while one factor was somewhat less. The results call for one small rollback, one substantial rollforward, and one very small rollforward.

In the case of automotive mats in the original equipment trade, the weighted cost increase factor was 1.3091, and the weighted average of the price adjustment ratios submitted was 1.2013. On the recommendation of the Industry Advisory Committee, OPS applied SR 2 to CPR 22. The resulting adjusted factor to be applied to GCPR prices is therefore 1.08973, indicating that rollforwards are permissible.

Regarding toy and small lawn mower tires, the weighted average cost increase factor was 14.49 percent, while the corresponding weighted average price increase was 9.58 percent. Thus ceiling prices will increase an average of less than 5 percent, though the variations among individual companies indicate that some companies will have a rollback, while others will be entitled to a rollforward of present ceiling prices.

In regard to typewriter platens and rolls, the variation between the industry-wide cost adjustment factors and the corresponding price adjustment factors was small, the figures lying between 10 percent and 20 percent in each case. The cost increases were smaller than the price increases in all product lines except the third, though the only significant price reduction indicated is in the fourth product line.

As respects semi-pneumatic or zero pressure agricultural tires, weighted average cost increase factors were found to exceed the average price adjustment, and in the case of such industrial tires, to be less than the corresponding price adjustment factor. Thus rollforwards are in order for agricultural tires, rollbacks are indicated for industrial tires, and it is expected that the cumulative effect of both will be one of little over-all change.

In the case of graphic art materials, cost increase factors among the six product lines varied from 6 percent to 17 percent, while corresponding price adjustments varied from 13 percent to 28 percent. The results call for rollbacks of varying degrees. The cumulative effect of these new ceiling prices is an indicated average rollback of 3 percent from the General Ceiling Price Regulation level.

Finally, as to camelback and tire and tube repair material, factors are established for application to a pre-Korea base period. Comparisons were made between pre-Korea prices plus permitted cost increases and present ceilings. Using 66¢ as the cost of natural rubber, some items were calculated as entitled to slight rollforwards of 2 percent to 3 percent. Effective July 1, 1951, however, the cost of natural rubber fell to 52¢ per pound, and, as in the case of latex foam rubber, the Director, after consulting the industry advisory committee, concluded that the actual current cost should be used in these calculations, and accordingly arrived at new factors which result in new ceilings approximately 2 percent to 12 percent below the GCPR level. In the case of Grade F camelback, however, the actual pre-Korea price level is retained, since any further in-line adjustment might require an even lower price level.

Manufacturers of the rubber products added to this supplementary regulation are subject to section 3 of the regulation which relieves them of the necessity of filing Form 8 and waiting the 15-day period prescribed in CPR 22. Section 3, however, requires such manufacturers to file with OPS their ceiling prices under this regulation before they may accept payment for any sale of products covered by this regulation.

AMENDATORY PROVISIONS

Section 4 of SR 8 to CPR 22 is hereby amended by adding the following products and respective cost factors to it:

Kind of rubber product [1]	Factor base period	Factor [2]	Original base period
Bare rubber thread [3]			
Heavy:			
Cut sizes 18, 24, 30, 36, 42	July 1, 1949–Sept. 30, 1949.	1.5313	July 1, 1949–Sept. 30, 1949.
Extruded sizes 30, 37			
Medium A:			
Cut sizes 50, 58	do	1.5141	Do.
Extruded sizes 44, 50			
Medium B:			
Cut sizes 70	do	1.4513	Do.
Extruded sizes 65			
Fine A:			
Cut sizes 85	do	1.3778	Do.
Extruded sizes 75			
Fine B:			
Cut sizes 100, 112, 120	do	1.3260	Do.
Extruded sizes 90, 100, 110			
All adhesive plaster, gauze and cotton—packaged goods, including but not limited to spool adhesives, adhesive bandages, elastic adhesive dressings, medicated plasters, except corn and bunion plasters, moleskin adhesives, gauze bandages, sterile pads, including cotton filled, dental gauze, first-aid kits, U. S. P. cotton, cotton balls, nonsterile roll cotton, cotton tipped applicators, dental cotton.	Dec. 19, 1950–Jan. 25, 1951.	1.00	July 1, 1949–Sept. 30, 1949.
All adhesive plaster, gauze, and cotton—Hospital goods including but not limited to adhesive tape, bulk gauze and crinolin, bandage rolls, sponges including cotton filled, plaster paris gauze, miscellaneous ready-made dressings and accessories, cotton balls, cotton and gauze padding, hospital OB pads—cotton filled, cotton tipped applicators.	do	1.00	Jan. 1, 1950–Mar. 31, 1950.
Rubber flooring—tile, sheets and accessories—not including mats and matting.	Oct. 1, 1949–Dec. 31, 1949.	1.17	Oct. 1, 1949–Dec. 31, 1949.
Friction tape			
1. Commercial friction tape	Jan. 1, 1950–Mar. 31, 1950.	1.1998	Jan. 1, 1950–Mar. 31, 1950.
2. Commercial rubber tape	do	1.2112	Do.
3. ASTM friction tape	do	1.2122	Do.
4. ASTM rubber tape	do	1.2638	Do.
V belts [4]			
1. Heavy duty industrial type V-belts including multiple and variable speed V-belts.	Dec. 19, 1950–Jan. 25, 1951.	1.00	July 1, 1949–Sept. 30, 1949.
2. Light duty or fractional horsepower type V-belts	do	1.00	Do.
3. Connector or open end type "V" and round belting, industrial and railroad.	do	1.00	Do.
4. Agricultural implement V-belts and all round endless belts	do	.95	Do.
5. Original equipment or car manufacturers automotive fan type V-belt.	do	.97	Do.
6. Replacement automotive fan type V-belts and flat belts sold under manufacturers' brand.	do	1.00	Do.
7. Replacement automotive fan type V-belts sold under private brand.	do	1.00	Jan. 1, 1950–Mar. 31, 1950.
Flat rubber belting [5]			
1. Conveyor and elevator belting with approximately 16–19 pounds skim coat friction, approximately 2,500 to 3,000 p. s. i. tensile strength covers, 1/8" x 1/32" cover thicknesses, with or without breaker fabric, including the following when made to the foregoing approximate specifications: oil resisting, hot material, canners, rough top and grain belting, pulley lagging, screen diaphragms and hog beater belting and paddles.	Apr. 1, 1950–June 24, 1950.	1.224	Apr. 1, 1950–June 24, 1950.
2. Extra charge for additional cover thicknesses for items in group 1.	do	1.347	Do.
3. Conveyor and elevator belting with approximately 12–15 pounds friction, approximately 800 to 1,000 p. s. i. tensile strength covers, 1/8" x 1/32" cover thicknesses, with or without breaker fabric, including the following when made to the foregoing approximate specifications: oil resisting, hot material, canners, rough top and grain belting, pulley lagging and screen diaphragms.	Apr. 1, 1950–June 24, 1950.	1.180	Apr. 1, 1950–June 24, 1950.
4. Extra charge for additional cover thicknesses for items in group 3.	do	1.180	Do.
5. Transmission belting, with hard duck plies, approximately 20–24 pounds skim coat friction, including endless hammermill belting, cord transmission belting and axle-light transmission belting.	do	1.240	Do.
6. Transmission belting, with soft duck plies, approximately 20–24 pounds skim coat friction.	do	1.243	Do.
7. Transmission belting, with soft duck plies, approximately 12–15 pounds friction.	do	1.212	Do.
8. Endless farm belting, with soft duck plies, approximately 12–15 pounds friction.	do	1.183	Do.
9. Chute and launder lining	do	1.275	Do.

See footnotes at end of table.

Kind of rubber product [1]	Factor base period	Factor [2]	Original base period
Rubber hose [7] [8]			
1. Air brake and signal hose, including AAR specification	Apr. 1, 1950–June 24, 1950.	1.2646	Apr. 1, 1950–June 24, 1950.
2. Garden hose, black, competitive quality, coupled or uncoupled.	July 1, 1949–Sept. 30, 1949.	1.1793	July 1, 1949–Sept. 30, 1949.
3. Garden hose, standard quality, coupled or uncoupled	do	1.2364	Do.
4. Water hose, molded and braided, including AAR specification and golf course hose.	Apr. 1, 1950–June 24, 1950.	1.1867	Apr. 1, 1950–June 24, 1950.
5. Oxy-acetylene hose, molded and braided, including AAR specification and twin welding hose.	do	1.1630	Do.
6. Air and spray hose, molded and braided, including AAR specification; service station air hose (coupled or uncoupled); and braided covered air tubing.	do	1.1550	Do.
7. Multipurpose hose, with oil resisting synthetic tube and cover.	do	1.1266	Do.
8. Water hose, wrapped duck, including AAR specification; chemical hose and wrapped fabric fire hose.	do	1.1548	Do.
9. Wrapped fabric hose for the following severe services: sand blast, acid discharge, cement placement, cement gun and grouting.	do	1.3172	Do.
10. Air and spray hose, wrapped fabric, including AAR specification, and motor vehicle air and vacuum brake hose.	do	1.1920	Do.
11. Steam, hot water and railroad carheat hose, wrapped fabric including AAR specification, packing house, creamery, sanitary and brewers' hose.	do	1.1962	Do.
12. Oil suction and discharge hose, including barge loading and molasses hose.	do	1.1055	Do.
13. Hand-built hose for severe service including dredging sleeves, cement unloading hose, flexible pipe, sand suction hose, mud-pump hose and acid suction hose.	do	1.1422	Do.
14. Hand-built house for general service, including water suction hose, fire engine suction hose (hard), tender tank hose, agricultural suction hose, dust collection and exhaust hose and insulation blowing hose.	do	1.1214	Do.
15. Cotton rubber-lined fire and mill hose, single jacket	do	1.2029	Do.
16. Cotton rubber-lined fire and mill hose, double jacket. Rubber covered woven fire and mill hose, fire engine suction hose (soft).	do	1.2542	Do.
17. Gasoline and fuel oil tank truck hose, including butane-propane (L. P. G.) and anhydrous ammonia hose.	do	1.1059	Do.
18. Gasoline pump hose	do	1.1240	Do.
19. Steam hose, glass, asbestos or wire braided, including steam ironing hose.	do	1.0867	Do.
20. Horizontal braided mandrel cured hose, including air hose, water hose, jetting hose, welding hose, low and medium pressure hydraulic control hose, motor vehicle air and vacuum brake hose.	do	1.1723	Do.
21. Rotary drillers hose, coupled	do	1.0840	Do.
22. High pressure wire braided hose other than steam, including hydraulic control and high pressure grease hose.	do	1.0867	Do.
23. Chernack Loom suction hose	do	1.1061	Do.
Rubber linings and roll coverings			
1. Tanks, all shapes	Oct. 1, 1949–Dec. 31, 1949.	1.2467	Oct. 1, 1949–Dec. 31, 1949.
2. Tank cars, all sizes	do	1.2563	Do.
3. Pipes	do	1,2283	Do.
4. Pipe fittings	do	1.1573	Do.
5. Industrial roll (except steel mill rolls and printers rollers) including paper mill, textile and tanners' rolls	do	1.3048	Do.
6. Steel mill rolls—natural rubber covering	do	1.2342	Do.
7. Steel mill rolls—synthetic rubber covering	do	1.0799	Do.
Hard rubber			
1. Ground rods	Jan. 1, 1950–Mar. 31, 1950.	1.2574	Jan. 1, 1950–Mar. 31, 1950.
2. Sheets	do	1.3563	Do.
3. Ground tubes	do	1.4114	Do.
4. Pipe	do	1.1981	Do.
5. Fittings	do	1.0999	Do.
6. Smoking pipe bits	do	1.2469	Do.
7. Storage battery containers, automotive	do	1.160	Do.
8. Storage battery cover parts, automotive	do	1.2025	Do.
9. Composition storage battery covers	July 1, 1949–Sept. 30, 1949.	1.2750	July 1, 1949–Sept. 30, 1949.
Latex foam sponge			
1. Head pillows	Oct. 1, 1949–Dec. 31, 1949.	1.28	Oct. 1, 1949–Dec. 31, 1949.
2. Mattresses	do	1.65	Do.
3. Solid uncored slabs	do	1.39	Do.
4. Cored slabs	do	1.45	Do.
5. Molded shaped cushions	do	1.55	Do.
6. Small shapes such as shoulder pads and arm rests	do	1.28	Do.
7. Automotive seat topper pads for original equipment	do	1.45	Do.
Chemically blown sponge			
1. Slab sheets	do	1.30	Do.
2. Continuous rolls	do	1.43	Do.
3. Cut stock	do	1.43	Do.
4. Windlace rod	do	1.43	Do.
5. Coated weatherstripping	Apr. 1, 1950–June 24, 1950.	1.22	Apr. 1, 1950–June 24, 1950.
6. Uncoated weatherstripping	do	1.20	Do.
7. Arm rests and pads	do	1.33	Do.
8. Miscellaneous molded parts (other than above)	do	1.24	Do.
Mats and matting [9]			
1. Corrugated matting, approximately 1/8" thickness, black	do	1.1162	Do.
2. Corrugated matting, approximately 3/8" thickness, colors other than black.	do	1.2528	Do.
3. Mats and matting, cloth inserted or cloth black, 3/16" and over in thickness.	do	1.1700	Do.
4. Switchboard matting	do	1.2145	Do.
5. Stair treads	do	1.2709	Do.
Hydraulic brake cups and parts and boots			
1. Brake cups and parts	do	1.1783	Do.
2. Boots, natural rubber	do	1.2299	Do.
3. Boots, synthetic rubber	do	1.1017	Do.
Automotive mats for original equipment	Dec. 19, 1950–Jan. 25, 1951.	1.0897	Oct. 1, 1949–Dec. 31, 1949.
Tires for toys and small lawn mowers	July 1, 1949–Sept. 30, 1949.	1.1449	July 1, 1949–Sept. 30, 1949.
Typewriter platens and rolls			
1. Cushion platens	Jan. 1, 1950–Mar. 31, 1950.	1.1507	Jan. 1, 1950–Mar. 31, 1950.
2. Lined platens	do	1.1305	Do.
3. Unlined single wall platens	do	1.1593	Do.
4. Typewriter feed rolls	do	1.1186	Do.
Industrial and agricultural tires, semi-pneumatic			
1. Industrial	July 1, 1949–Sept. 30, 1949.	1.3999	July 1, 1949–Sept. 30, 1949.
2. Agricultural	do	1.6117	Do.
Graphic arts			
1. Engravers' gums, synthetic rubber	Apr. 1, 1950–June 24, 1950.	1.1104	Apr. 1, 1950–June 24, 1950.
2. Unvulcanized printers' gums, synthetic rubber	do	1.0788	Do.
3. Offset blankets, nitrill rubber (buna N)	July 1, 1949–Sept. 30, 1949.	1.1725	July 1, 1949–Sept. 30, 1949.
4. Newspaper blankets, foundation blankets, natural rubber	do	1.1196	Do.
5. Newspaper blankets, top blankets, 0.025 gauge (approximate) nitril rubber (buna N).	do	1.0933	Do.
6. Newspaper blankets, nonfelt type blanket 0.083 gauge (approximate) nitril rubber (buna N).	do	1.0654	Do.
Camelback and tire and tube repair materials			
1. Camelback—natural rubber [10]	July 1, 1949–Sept. 30, 1949.	1.6800	July 1, 1949–Sept. 30, 1949.
2. Camelback—synthetic grade A [10]	Apr. 1, 1950–June 24, 1950.	1.1976	Apr. 1, 1950–June 24, 1950.
3. Camelback—synthetic grade C [10]	do	1.1850	Do.
4. Camelback—reclaim—grade F [10]	do	1.0000	Do.
5. Cushion gum [11]	Sept. 1, 1949–Dec. 31, 1949.	1.3305	Sept. 1, 1949–Dec. 31, 1949.

See footnotes at end of table.

See footnotes at end of table.

Kind of rubber product [1]	Factor base period	Factor [2]	Original base period
Camelback and tire and tube repair materials—Continued			
6. Cord fabric	July 1, 1949–Sept. 30, 1949.	1.2697	July 1, 1949–Sept. 30, 1949.
7. Vulcanizing cement	do	1.2819	Do.
8. Air bags	do	1.3546	Do.

[1] Rubber means only natural, synthetic and reclaimed rubber, unless otherwise specified.
[2] In the case of rubber bands or other rubber products, if instead of increasing your base period prices, you choose to decrease the quantity of your base period package pursuant to section 31 of CPR 22, then you divide the base period quantity by the applicable factor here to obtain the minimum quantity package permitted.
[4] For sizes not shown the manufacturer shall use the factor of the closest size of the same type: cut or extruded.
[6] These product line definitions pertain to all sizes, grades, constructions and sections sold to both OEM and replacement trade unless otherwise stated. However, this does not include V-belts made of assembled segments.
[7] Manufacturers of flat belting and hose (except garden hose) west of the Rockies may use Apr. 1, 1950–July 10, 1950, for both factor base period and original base period to put them on an equitable price level with Eastern manufacturers.
[9] Hose as used in this regulation includes any color, size, length or grade of hose without fittings unless otherwise specified.
[9] Except automotive, household and perforated mats.
[10] The category and quality of camelback referred to in this item must be identical with the category and quality of camelback so labeled and sold by the particular manufacturer in the specified base period.
[11] Including but not limited to stripping stock, padding stock, filler strip and gum, tread gum, and tube gum (quick cure and cured back).

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment shall become effective on August 13, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8919; Filed, July 31, 1951; 11:41 a. m.]

[Ceiling Price Regulation 37, Amendment 2]

CPR 37—PRIMARY COTTON TEXTILE MANUFACTURERS' REGULATION

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738) this Amendment 2 to Ceiling Price Regulation 37 is hereby issued.

STATEMENT OF CONSIDERATIONS

The revocation of General Overriding Regulation 13, as amended, makes necessary the issuance of this amendment clarifying the status of Ceiling Price Regulation 37.

General Overriding Regulation 13 was issued to carry out the anti-roll-back provisions contained in the extension of the Defense Production Act of 1950 until July 31, 1951, and the legislative intent which indicated that the status quo should be preserved pending further Congressional consideration. The effect of General Overriding Regulation 13 was to suspend the provisions of Ceiling Price Regulation 37 except as to those yarns and fabrics as to which the manufacturer had actually put the regulation into effect on or before June 30, 1951, and except as that regulation may have been used to price new yarns or fabrics pursuant to section 3 of General Overriding Regulation 13. The revocation of General Overriding Regulation 13 lifts this suspension and Ceiling Price Regulation 37, therefore, becomes applicable to all of a manufacturer's yarns and fabrics which are subject to its provisions.

As originally issued the regulation permitted manufacturers subject to the regulation to use either that regulation or the General Ceiling Price Regulation during the period between May 16, 1951, and May 28, 1951. On and after May 28, 1951, they were required to use Ceiling Price Regulation 37. Amendment 1 to the regulation extended to July 2, 1951, the date after which such manufacturers were required to use Ceiling Price Regulation 37. This Amendment 2 extends the period during which either the General Ceiling Price Regulation or Ceiling Price Regulation 37 may be used to August 13, 1951, and requires the use of Ceiling Price Regulation 37 on and after that date.

It should be noted that but for the issuance of General Overriding Regulation 13 on June 30, 1951, the use of Ceiling Price Regulation 37 would have become mandatory on July 2, 1951, and that no extension of that date would have been granted. The extension granted by this amendment enables manufacturers, who in the confusion resulting during the interim period may not have completed the computations of their ceiling prices and filed the reports required in section 13 of the regulation, to do so. No further extension will be granted.

AMENDATORY PROVISION

Ceiling Price Regulation 37, as amended by Amendment 1, is hereby further amended in the following respects:

Wherever the date "July 2, 1951" appears in section 1, 12 (b) and 14, that date is changed so as to read "August 13, 1951."

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment is effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8931; Filed, July 31, 1951; 2:06 p. m.]

[Ceiling Price Regulation 41, Amendment 2]

CPR 41—SHOE MANUFACTURERS' REGULATION

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738) this Amendment 2 to Ceiling Price Regulation 41 is hereby issued.

STATEMENT OF CONSIDERATIONS

The revocation of General Overriding Regulation 13, as amended, makes necessary the issuance of this amendment clarifying the status of Ceiling Price Regulation 41.

General Overriding Regulation 13 was issued to carry out the antirollback provisions contained in the extension of the Defense Production Act of 1950 until July 31, 1951, and the legislative intent which indicated that the *status quo* should be preserved pending further Congressional consideration. The effect of General Overriding Regulation 13 was to suspend the provisions of Ceiling Price Regulation 41 except as to those shoes as to which a manufacturer had actually put the regulation into effect on or before June 30, 1951, and except as that regulation may have been used to price new shoes pursuant to section 3 of General Overriding Regulation 13. The revocation of General Overriding Regulation 13 lifts this suspension and Ceiling Price Regulation 41, therefore, becomes applicable to all of the manufacturer's shoes which are subject to its provisions.

As originally issued the regulation permitted manufacturers subject to the regulation to use either that regulation or the General Ceiling Price Regulation during the period between June 4, 1951, and July 2, 1951. On and after July 2, 1951, they were required to use Ceiling Price Regulation 41. This Amendment 2 extends the period during which either the General Ceiling Price Regulation or Ceiling Price Regulation 41 may be used to August 13, 1951, and requires the use of Ceiling Price Regulation 41 on and after that date. It should be noted that but for the issuance of General Overriding Regulation 13 on June 30, 1951, the use of Ceiling Price Regulation 41 would have become mandatory on July 2, 1951, and no extension of that date would have been granted. The extension granted by this amendment enables manufacturers, who in the confusion resulting during the interim period may not have completed the computations of their ceiling prices, to do so. No further extension will be granted.

In addition, section 25 (c) of Ceiling Price Regulation 41 is amended to permit applications for temporary adjustments to carry out existing contracts to be filed on or before September 15, 1951. Previously, the date was August 15, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 41, as amended by Amendment 1, is hereby

further amended in the following respects:

1. Wherever the date "July 2, 1951" appears in sections 1 (c) and 28, that date is changed so as to read "August 13, 1951."

2. Wherever the date "August 15, 1951" appears in section 25 (c), that date is changed so as to read "September 15, 1951."

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment is effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8930; Filed, July 31, 1951; 2:06 p. m.]

[General Overriding Regulation 13, Revocation]

GOR 13—CONTINUATION OF CEILING PRICES IN EFFECT ON JUNE 30, 1951, FOR COMMODITIES OR SERVICES COVERED BY SPECIFIED MANUFACTURERS' REGULATIONS

General Overriding Regulation 13 was issued as an interim measure, based on Public Law 69, for the month of July 1951, pending further Congressional consideration of the extension and amendment of the Defense Production Act of 1950. The provisions of Public Law 69 are not being extended. General Overriding Regulation 13 is no longer necessary and is accordingly being revoked. The Manufacturers' Regulations listed in Section 1 of GOR 13 are therefore made fully effective in accordance with their terms at the time of issuance. Amendments to these regulations granting time to comply with certain filing requirements are being issued simultaneously.

The Office of Price Stabilization has under consideration the question of what other changes in its regulations should be issued pursuant to S. 1717, passed by both Houses of Congress and now pending before the President.

Pursuant to the defense Production Act of 1950 (Public Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), General Overriding Regulation 13 is hereby revoked effective July 31, 1951.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8934; Filed, July 31, 1951; 2:14 p. m.]

[Ceiling Price Regulation 56]

CPR 56—CEILING PRICES FOR CERTAIN PROCESSED FRUITS AND BERRIES OF THE 1951 PACK

Pursuant to the Defense Production Act, as amended (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Order No. 2 (16 F. R. 738) this Ceiling Price Regulation 56 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes methods for determining ceiling prices for canned apricots, canned sweet cherries, and canned red sour pitted cherries of the 1951 pack. Additional processed fruits and berries and related products will be added later.

PRICING METHODS OF THE REGULATION

The pricing methods of this regulation are the same as in the companion regulation CPR 55 covering ceiling prices for certain processed vegetables of the 1951 pack. Because of the close similarity and relationship between CPR 55 and this regulation, the statement of considerations for CPR 55 is hereby incorporated by reference in its entirety as the statement of considerations for this regulation with the modifications set out in this statement.

TREATMENT OF RAW MATERIAL COST

As in the case of CPR 55, this regulation recognizes raw material cost increases up to but not in excess of the legal minima prices for fruits and berries as determined by the Secretary of Agriculture. Therefore, the determination of the maximum amount which will be recognized has been made for all the fruits listed in Table III of the regulation. Although this regulation initially covers only canned apricots, canned red sour pitted cherries and canned sweet cherries, it will be expanded ultimately to include within its scope all of the canned fruits named in Table III.

Although CPR 55 included percentage as well as dollars-and-cents adjustments in the determination of raw material allowance, this regulation eliminates the percentage factor in that computation for the following two reasons. First, the inclusion of the percentage unnecessarily complicates pricing techniques and methods. Second, it allows unwarranted increases in price by allowing the processor to use either a percentage or a dollars-and-cents method which results in the higher price, thus almost invariably affording the processor an opportunity to use a raw material increase factor in excess of the actual parity price.

The ceiling price determined under this regulation will reflect increases in grower prices for processed sweet cherries and apricots due to severe crop losses in producing states. The normal legal minimum prices for these items are adjusted by the percentage of 1951 processing crop loss from the ten year (1940–49) average crop as reported by the U. S. Department of Agriculture for each of the producing states. The adjustments are in accordance with the provisions of section 402 (d) (3) of the Defense Production Act which requires that appropriate allowances shall be made in ceiling prices for processed agricultural commodities to reflect substantial reductions in merchantable crop yields, unusual increases in cost of production, and other factors which result from agricultural hazards.

RECOGNITION OF SUGAR COST CHANGES

Sugar costs are an important item in the production of processed fruits and berries. Present sugar prices are substantially higher than those prevailing during the base period year 1948. The amount of these increases in sugar prices may be reflected in ceiling prices determined under this regulation. Specific formulas are provided in the regulation for determining each processor's individual sugar cost increase which he has experienced between 1948 and 1951.

EFFECT OF PRICE LEVELS

It is most difficult to determine the exact effect of this regulation which fixes many ceiling prices for many different items of many individual processors. However, the basic purpose of this regulation is to grant an allowance in ceiling prices, for some increases in specified costs occurring since 1948. In the case of canned apricots, red sour pitted cherries and sweet cherries, the only fruit products now included in the regulation, available data obtained from OPS records and industry studies show that this regulation will result in a slight increase in overall prices.

Although the net effect of the issuance of this regulation will probably result in rollforwards the issuance of the regulation at this time is deemed imperative. The items covered by this regulation were not generally sold during the base period at the canner level. Because of the period of the year during which the items included in this regulation are packed, canners would have sold out their entire supplies of the 1950 pack of these items prior to the General Ceiling Price Regulation base period and would not have commenced their 1951 pack until long after the end of that base period. Consequently, in the absence of issuance of this or a similar regulation, the only method generally available for these sellers to obtain ceiling prices would be by individual application under Section 7 of the General Ceiling Price Regulation. Accordingly, in light of these considerations and the additional fact that the 1951 pack of the items covered by this Ceiling Price Regulation will soon be completed, it is necessary that this regulation be issued immediately.

CONCLUSIONS

In formulating this regulation, the Director of Price Stabilization has consulted with the Industry Advisory Committee and given full consideration to its recommendations. The Director finds that any changes in business practices, cost practices, or methods under this regulation are necessary to prevent circumvention or evasion of the ceiling prices for fruits covered by this regulation. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act, as amended.

Insofar as practicable, the Director of Price Stabilization has given due consideration to the national effort to effect maximum production in furtherance of the Defense Production Act, as amended,

to prices prevailing during the period May 24, 1950 to June 24, 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 26 issued under sec. 704, Pub. Law 774, 81st Cong., as amended.

SECTION 1. *Coverage of this regulation*—(a) *What products and sellers are covered by this regulation.* This regulation establishes methods for calculating ceiling prices for sales by processors of the 1951 and later packs of the following named processed fruits, berries, juices, nectars, purees, mixtures of fruit, and mixtures of juices and nectars processed from these fruits and berries:

Product:
Canned apricots.
Canned red sour pitted cherries.
Canned sweet cherries.

Other fruits or berries may be added from time to time. This regulation applies to all sales by a processor, as the term is defined in section 26, of canned fruits and berries, and mixtures thereof, and of purees, juices and nectars, and mixtures thereof, whether packed in tin or glass, processed from the specified fruits or berries. It applies to these sales even though the processor has procured the item of the product from other sources. This regulation does not apply to any listed fruit or berry which is packed and sold as "baby food", or as "junior food", or which is processed by freezing, drying or dehydration, or to any jams, jellies, preserves or marmalades processed from the specified fruits and berries.

(b) *Pricing provisions to be used.* The main pricing method for most processors is found in section 2 of this regulation. If, however, you are a grower-processor, a grower-owned cooperative, or if you purchase raw materials on open-end contracts, your ceiling prices are determined by sections 2 and 3 of this regulation. Section 4 of this regulation sets forth the method of computing your ceiling prices for items not sold during the base period. Section 5 provides pricing methods for processor-wholesalers and processor-retailers. Sections 6 and 7 of this regulation establish methods by which processors who cannot compute their ceiling prices under the other provisions of the regulation may obtain ceiling prices.

(c) *Where this regulation applies.* This regulation applies in the 48 states of the United States and the District of Columbia.

(d) *What this regulation supersedes.* For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation (16 F. R. 808).

SEC. 2. *Ceiling prices f. o. b. factory for sales by processors of items sold during the base period.* You shall compute for each factory your ceiling prices for each "item" of a product covered by this regulation by first determining your "base price". Next you shall adjust your base price by an adjustment for cost increases other than sugar and raw materials; then by an adjustment for sugar costs; and finally by an adjustment for "raw material" costs.

(a) *How to determine your base price.* Your base price is your "weighted average sales price" per dozen containers f. o. b. factory for each item sold during the "base period" as defined in this regulation. "Weighted average sales price" is the total gross sales dollars charged f. o. b. factory for the item during the base period divided by the number of dozens of containers of that item sold.

(1) *What sales and sales contracts you include in your weighted average sales price.* All sales and confirmed sales contracts at firm prices of the 1948 pack of the item made in the regular course of business during the base period shall be included, regardless of the date of delivery. If you desire, you may include in your computation of your weighted average sales price sales made during the base period of items from a prior pack. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the base period. However, the following sales and sales contracts shall be excluded, even though they were made during the base period: Sales at retail (including sales to growers and employees) and at wholesale; sales to government procurement agencies, institutional, commercial and industrial users, state agencies and political subdivisions thereof; and sales of damaged goods, or of goods packed for experimental purposes.

(2) *Separate base prices.* You shall figure a separate base price for each item.

(3) *Base price for each factory group.* You may determine one base price for any group of factories, all of which are located in the same pricing area (i. e., each factory must be located in the same area both for permitted increases other than sugar and raw material, and for the maximum permitted increase in raw material cost). In figuring a single base price for a group of factories, you shall include all sales made in the base period for each factory in the group to obtain your weighted average sales price.

(b) *How to adjust for permitted increases other than sugar and raw material.* After obtaining your base price for the item, you shall multiply it by the appropriate figure set forth in Table I for the area in which your factory is located.

TABLE I—PERMITTED INCREASES OTHER THAN SUGAR AND RAW MATERIAL

Product	Area		Adjustment factors
	No.	States included	
Canned apricots	I	California	1.09
	II	All other States	1.11
Canned sweet cherries (dark and light varieties).	I	Oregon and Washington.	1.04
	II	All other States	1.035
Canned R. S. P. cherries.	I	All States	1.035

The resulting figure is your "adjusted base price."

(c) *How to figure the adjustment for sugar cost increases.* Next you shall determine your adjustment for sugar cost increases which you have incurred since your 1948 base period determined by the first one of the following methods which is applicable.

(1) *Adjustment for items for which dollars-and-cents increases are provided.* If the item for which you are determining a ceiling price is one that appears in Table II, you shall determine a "'multiplier", as follows:

(i) Determine the dollars-and-cents difference per hundred weight between the weighted average cost of sugar used in the product in 1948 and in 1951 up to the time of computation of your ceiling price.

(ii) Then if this difference is an increase of 1951 cost over 1948 cost, determine a "multiplier" by applying the dollars-and-cents increase in cost of sugar per hundredweight to the following range:

Increased cost per hundred weight in dollars and cents		Multiplier
$0.00	$0.12	0
$0.13	$0.37	1
$0.38	$0.62	2
$0.63	$0.87	3
$0.88	$1.12	4
$1.13	$1.37	5
$1.38	$1.62	6
$1.63	$1.87	7

For each additional $0.25 increase per hundredweight of sugar, increase your multiplier by one, in accordance with the above range.

EXAMPLE: If your increase in cost of sugar is $0.67 per hundredweight, your multiplier is 3.

(iii) Having determined your multiplier you apply it to the appropriate figure in Table II. The result is your permitted increase in net cost of sugar in dollars-and-cents for the item.

TABLE II—ADJUSTMENT FOR INCREASE IN SUGAR COSTS

[Dollars per dozen containers for sugar cost increases of one-fourth cent]

Fruits	Pack style	Grades	8-ounce cans	No. 300 cans	No. 303 I and 1T cans	No. 2 cans	No. 2½ cans	No. 10 cans
Applesauce		All grades	0.0014	0.0026	0.0028	0.0035	0.0051	0.0186
Apricots	Halves, unpeeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	.0034	.0064	.0070	.0087	.0126	.0458
		Heavy (choice) cut-out density of 21°–25° Brix	.0023	.0043	.0048	.0059	.0086	.0311
		Light (standard) cut-out density of 16°–21° Brix	.0014	.0025	.0028	.0034	.0050	.0182
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.0005	.0010	.0010	.0013	.0019	
	Whole, unpeeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	.0038	.0072	.0080	.0098	.0142	.0478
		Heavy (choice) cut-out density of 21°–25° Brix	.0026	.0049	.0054	.0066	.0096	.0324
		Light (standard) cut-out density of 16°–21° Brix	.0016	.0028	.0032	.0039	.0056	.0190
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.0006	.0011	.0012	.0015	.0022	
	Whole, peeled	Extra heavy (fancy) cut-out density of 25°–40° Brix	.0034	.0063	.0070	.0086	.0124	.0442
		Heavy (choice) cut-out density of 21°–25° Brix	.0023	.0043	.0048	.0058	.0084	.0300
		Light (standard) cut-out density of 16°–21° Brix	.0014	.0025	.0028	.0034	.0050	.0176
		Slightly sweetened water (substandard) cut-out density of less than 16° Brix.	.0005	.0010	.0010	.0013	.0019	
Cherries, dark and light sweet.	All styles	Extra heavy (fancy) cut-out density of 25°–25° Brix	.0020	.0038	.0042	.0052	.0075	.0280
		Heavy (choice) cut-out density of 20°–25° Brix	.0014	.0027	.0030	.0038	.0054	.0201
		Light (standard) cut-out density of 16°–20° Brix	.0010	.0018	.0020	.0024	.0034	.0128
		Slightly sweetened water (substandard) cut-out density of less than 16°.	.0004	.0008	.0009	.0012	.0016	
Fruit cocktail		Extra heavy (fancy) cut-out density of 22°–350 Brix	.0025	.0047	.0052	.0048	.0092	.0296
		Heavy (choice) cut-out density of 18°–22° Brix	.0018	.0033	.0037	.0036	.0066	.0212
		Light (standard) cut-out density of 14°–18° Brix	.0012	.0022	.0024	.0022	.0044	.0136
Peaches, clingstone		Extra heavy (fancy) cut-out density of 24°–35° Brix	.0030	.0055	.0061	.0075	.0109	.0404
		Heavy (choice) cut-out density of 19°–24° Brix	.0020	.0037	.0042	.0051	.0074	.0275
		Light (standard) cut-out density of 14°–19° Brix	.0012	.0022	.0024	.0030	.0044	.0162
		Slightly sweetened water (substandard) cut-out density of less than 14° Brix.	.0004	.0008	.0009	.0012	.0016	
Peaches, freestone		Extra heavy (fancy) syrup 55 percent sugar when packed	.0032	.0060	.0066	.0082	.0118	.0434
		Heavy (choice) syrup 40 percent sugar when packed	.0021	.0041	.0045	.0056	.0080	.0295
		Light (standard) syrup 25 percent sugar when packed	.0012	.0024	.0026	.0032	.0047	.0173
		Slightly sweetened water (seconds) syrup 10 percent sugar when packed.	.0005	.0009	.0010	.0012	.0018	.0066
Pears, Bartlett		Extra heavy (fancy) cut-out density of 22°–35° Brix	.0026	.0049	.0054	.0068	.0098	.0354
		Heavy (choice) cut-out density of 18°–22° Brix	.0019	.0035	.0039	.0048	.0070	.0255
		Light (standard) cut-out density of 14°–18° Brix	.0012	.0023	.0025	.0030	.0044	.0162
		Slightly sweetened water (substandard) cut-out density of less than 14° Brix.	.0006	.0011	.0012	.0015	.0022	
Plums		Extra heavy (fancy) syrup 55 percent sugar when packed	.0036	.0068	.0076	.0093	.0134	.0496
		Heavy (light) syrup 40 percent sugar when packed	.0024	.0046	.0051	.0063	.0092	.0336
		Light (standard) syrup 25 percent sugar when packed	.0014	.0027	.0030	.0037	.0054	.0198
		Slightly sweetened water (seconds) syrup 10 percent sugar when packed.	.0006	.0010	.0012	.0014	.0020	.0075
Prunes, fresh		Extra heavy (fancy) syrup 40 percent sugar when packed	.0028	.0052	.0058	.0071	.0103	.0378
		Heavy (choice) syrup 30 percent sugar when packed	.0020	.0038	.0042	.0052	.0074	.0274
		Light (standard) syrup 20 percent sugar when packed	.0013	.0025	.0028	.0034	.0048	.0178
		Slightly sweetened water (substandard) syrup 10 percent sugar when packed.	.0006	.0011	.0012	.0013	.0022	.0075

(iv) Then you shall add the result determined in subdivision (iii) of this subparagraph to your adjusted base price.

(2) *Adjustment for items for which no dollars-and-cents increases are provided.* If the item is one for which there is no applicable figure in Table II, you shall determine your increase in sugar cost by the following method:

(i) Determine the dollars-and-cents difference per hundredweight between the weighted average cost of sugar used in the product in 1948 and in 1951 up to the time of computation of your ceiling price.

(ii) Then convert this dollars-and-cents increase per hundredweight to the increase in sugar cost in cents per pound of sugar.

(iii) Determine the amount of sugar which you actually use in processing the item per dozen.

(iv) Multiply the amount of sugar which you actually use in processing the item by the amount of your sugar cost increase per pound.

(v) Add the result to your adjusted base price.

(3) *Figuring adjustment for mixtures of sucrose, dextrose and other sweeteners and their mixtures.* If you use dextrose, corn syrup, corn syrup solids or liquid sugar in processing an item, you shall first convert all sweetening ingredients, including sucrose, to a solids basis in accordance with Table 23 of the publication, Conversion Factor and Weights and Measures for Agricultural Commodities and Their Products (U. S. Department of Agriculture, Production and Marketing Administration, August, 1947) or equivalent tables. Then determine the cost increase or decrease for each sweetening ingredient in accordance with subparagraphs (1) or (2) of this paragraph, and compute the total cost increase of all sweeteners in the item weighted to reflect the proportion of each sweetening ingredient in the item.

You then add the result to your adjusted base price.

(4) The result of the computation in subparagraphs (1), (2) or (3) of this paragraph is your "adjusted base price including adjustment for sugar cost increases".

(d) *How to figure the raw material adjustment.* Next you shall determine your raw material adjustment by the following procedure:

(1) Determine the difference between your 1948 "weighted average raw material cost" and, up to the time of the computation of your ceiling price for the item, your 1951 "weighted average raw material cost" per ton (or other unit of purchase), delivered or contracted to be delivered, at your factory. If your 1951 costs so determined exceed your 1948 costs, and the permitted adjustment in Table III is a plus figure, you shall use either your actual increase, or the increase for the area in which your factory is located, as provided in Table III, whichever is lesser. If your 1951 costs exceed your 1948 costs and the permitted adjustment shown in Table III is a minus quantity, you must use the decrease shown in the table. If your 1948 costs exceed your 1951 costs you shall either use your actual decrease or the decrease for the area in which your factory is located, as provided in Table III, whichever is greater.

TABLE III—RAW MATERIAL COST ADJUSTMENTS

Raw material	Area	Unit	Permitted adjustment in dollars per unit
Apricots	California	Ton	+49.00
	Utah	do	+78.30
	Washington, Oregon	do	+64.10
	All other States	do	+45.40
Cherries, sour	Ohio	do	−1.00
	New York, Pennsylvania, Oregon, and Washington	do	+25.00
	Michigan, Utah	do	+55.00
	All other States	do	+77.00
Cherries, sweet	California, for brining	do	0
	California, for canning	do	−1.00

TABLE III—RAW MATERIAL COST ADJUSTMENTS—Continued

Raw material	Area	Unit	Permitted adjustment in dollars per unit
Cherries, sweet	Idaho for brining	do	+21.00
	Idaho, for canning	do	+15.00
	New York, Pennsylvania, Ohio, for all processing	do	+54.00
	Oregon, Washington, for brining	do	+105.00
	Oregon, Washington, for canning	do	+99.00
	Michigan, for all processing	do	+41.00
	All other States, for all processing	do	+20.00
Cranberries	All States	Barrel	+10.50
Figs	California	Ton	+51.00
	Texas	do	+71.00
Peaches, clingstone	All States	do	+11.10
Peaches, freestone	Oregon, Washington	do	+23.65
	California	do	+11.90
	South Carolina	do	−5.30
	Georgia	do	+11.95
	Michigan	do	+42.50
	All other States	do	+16.31
Pears	California	do	−26.50
	Oregon, Washington	do	−7.30
	All other States	do	+2.00
Plums	California	do	−6.80
	All other States	do	+23.20
Prunes (fresh)	Washington, Oregon	do	+28.00
	All other States	do	+24.70
Blackberries	All States	Pound	+.062
Boysenberries	do	do	+.025
Gooseberries	do	do	+.029
Loganberries	do	do	+.023
Raspberries, Black	do	do	+.005
Raspberries, Red	do	do	+.07
Strawberries	Louisiana	do	+.006
	California	do	+.020
	All other States	do	+.021
Youngberries	All States	do	+.021
Blueberries:			
Wild	do	do	+.051
Cultivated	do	do	+.005
Currants	do	do	+.051
Crabapples	do	Ton	+27.00
Quinces	do	do	+35.00

(2) You then divide your average raw material cost adjustment per ton (or other unit of purchase), as determined under subparagraph (1) of this paragraph, by your average yields per ton (or other unit of purchase) of the raw material for the years 1948, 1949, and 1950 (or such of them in which you packed the product), reduced to dozens of containers of the product, and adjust for grade yield distribution according to your customary practice during such period.

The result of the computation in subparagraph (2) of this paragraph, is your upward or downward adjustment for raw material costs in dozens of containers of the item.

(e) *Your ceiling price.* (i) If the final result of the calculations for raw material cost adjustments provided in paragraph (d) is an increase, you shall add the increase to your "adjusted base price including adjustment for sugar cost increases" as determined in accordance with paragraph (c).

(ii) If the final result of the calculations for raw material cost adjustments provided in paragraph (d) is a decrease, you shall subtract the decrease from your "adjusted base price including adjustment for sugar cost increases" as determined in accordance with paragraph (c).

The result is your ceiling price f. o. b. factory per dozens of containers for the item.

(f) *Recalculation.* If, during the pack, your purchase price for the same grade or grades of the raw material changes from that which you were paying when you computed your prevailing ceiling price for the item, you shall recalculate your ceiling price for the item when your pack has reached an amount equal to 20 percent of your 1950 pack of the same item (or if you did not pack the item in 1950, then equal to 20 percent of your estimated 1951 pack), and immediately after you have completed the pack. You need not recalculate if the change in raw material cost is an increase. In any case of recalculation of ceiling price no goods shall be delivered after the recalculation at a price higher than the recomputed ceiling price.

In recomputing a ceiling price on an item under this paragraph you shall base your calculation on the weighted average cost of all of the raw material used in packing the item up to the time when you are making the recomputation.

(g) *Sales f. o. b. shipping points other than factory.* If, during the base period, you sold all or portions of an item at a shipping point other than the factory where the item was canned, and if you did not absorb the transportation costs from your factory to this shipping point, you must, in computing your ceiling price f. o. b. factory, subtract from your base period sales price the transportation costs for the item from its factory of origin to such location. Then add to your f. o. b. factory ceiling price, for all or any portion of the item sold f. o. b. such location, the current transportation costs per sales unit from factory to such location.

(h) *Special pricing provisions for mixed fruits and fruit cocktail.* [Provisions of this paragraph to be added by amendment.]

(i) *Different classes of sales.* If you sold during the base period the same item, as defined in section 26 of this regulation, in not more than two classes of sales so that the price of the lower class of sales differed from the higher priced class by a specific and definite dollar-and-cents differential, you may compute your ceiling price under this section for the item by using only the weighted average sales during the base period of the lower class. In all sales of the higher priced class, to buyers other than governmental agencies, institutional, or industrial users, you may add to the ceiling price for the item the same dollars-and-cents differential which existed during the base period between the lower and higher classes, provided your sales of the higher priced class from your 1951 pack shall not exceed 100% of the higher of either (1) the number of dozen of the higher priced class sold in 1950, or (2) your 1950 proportion of the dozens sold of the higher priced class to your 1950 total sales in dozens of the item.

SEC. 3. *Ceiling prices for grower-processors, grower-owned cooperatives and other processors who purchase raw materials on an open-end contract*—(a) *Computation of ceiling prices.* (1) If you are a grower-processor, a grower-owned cooperative or a processor who purchases on open-end contracts and, if in 1948 and 1951 you purchased at least 10 percent of your total use of raw material at prices definitely ascertainable at time of making this computation, you shall use the weighted average of these outside purchases as your raw material cost and calculate under section 2. If in 1948 and 1951 you did not have any such outside purchases you shall first determine your "base price", "adjusted base price", and adjustment for sugar cost increase per dozen containers as provided in section 2 of this regulation. Then, if in both 1948 and 1951 you sold to other processors the same kind of raw material which you are processing in 1951 in a total amount equal to or exceeding 10 percent of the amount processed by you in each such year, you shall use the weighted average of such sales in each of the years 1948 and 1951 as the equivalent of the weighted average cost of raw material for each such year in making the determinations for raw material cost adjustments required under section 2 (d) of this regulation.

(2) If you are a grower-processor, a grower-owned cooperative, or a processor who purchases raw materials on an open-end contract and if you are unable to determine your 1948 and 1951 weighted average cost equivalent under subparagraph (1) of this paragraph, because you have not completed your 1951 pack of the product or for other reasons, you shall borrow the 1948 and 1951 weighted average raw material cost per ton (or other unit of purchase) of the processor of the same kind of raw material who is located nearest your factory and who has determined his weighted average raw material costs for those years in conformity with section 2 of this regulation. You shall then use these borrowed average raw material costs in making the determinations for raw material cost adjustments required under section 2 (d) of this regulation.

(3) If you are a grower-owned cooperative and if you are unable to compute the difference between your 1948 and 1951 costs subparagraphs (1) or (2) of

this paragraph, in computing your raw material cost adjustment under section 2 (d),

(i) You may use an amount up to but not in excess of the amount of the increase provided in Table III, if that table shows an increase, for raw material for the area in which your plant is located;

(ii) You shall use the amount shown in Table III if that table shows a decrease for raw material for the area in which your plant is located.

(4) You shall then determine your ceiling price in accordance with section 2 (e), (f), (g), (h) and (i) of this regulation.

(b) *Required pass-back to growers.* If you are a grower-owned cooperative, this permitted increase for raw material cost may be taken only if you pass back the entire increase to growers. The amount you must pass back to growers shall be computed as follows:

(1) Compute the full amount per ton paid to the grower in 1948 for the same raw material.

(2) Add to this amount the per ton increase computed in accordance with paragraph (a) of this section and included in your sales prices.

(3) Divide this total by the number of dozen containers produced per ton of raw material. This is your raw material cost per dozen containers.

(4) Multiply the raw material cost per dozen containers by the number of dozen containers sold during the accounting period. The result is the total amount which must be paid to the grower including the amount to be passed back. The amount passed back must be paid within 30 days after the end of your normal accounting period.

(c) *Reports required under this section.* If you are a grower-owned cooperative and if you determine your raw material permitted cost increases under paragraph (a) of this section, you shall mail to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., not less than 30 nor more than 60 days after the end of each normal accounting period, a report by registered mail giving all of the computations required by paragraph (b) of this section. This report may be on a form available at Office of Price Stabilization offices.

(d) Ceiling prices established under this section are subject to revision by the Director of Price Stabilization in accordance with section 7 (f) of this regulation.

SEC. 4. *Ceiling prices for processors who did not sell the item during the base period but who sold other items of the product during that period*—(a) *Items quoted in an opening price list which differ only in container size.* This paragraph provides the method for pricing an item you did not sell during the base period if (1) you sold during the base period at least one other "comparison item" which differed only in container size and for which you have computed a price under this regulation, and (2) you quoted prices both on the item to be priced and the comparison item in any written opening price list. In such case, apply the percentage differential, as determined from your most recent opening price list for 1950 or earlier, between the item to be priced and the comparison item, to the ceiling price established under this regulation for the comparison item. The result is your ceiling price for the item being priced.

(b) *Items which differ only in type or size of container.* If you did not sell an item during the base period and if you cannot price under paragraph (a) of this section, but if you can establish a ceiling price for another item which differed only in size of container or which differed only in type of container, you shall select the item which differs only in size of container or in type of container and which is nearest in size to the item to be priced. The item so selected shall be the comparison item.

(1) You shall determine the "direct cost" of the comparison item. Direct cost shall include the cost of all materials, both ingredient and packaging, and all direct processing labor.

(2) You shall then determine the "direct cost" of the item to be priced, by the same method by which the direct cost of the comparison item is determined.

(3) You shall then divide the direct cost of the comparison item into the ceiling price of the comparison item as determined under section 2 of this regulation; and multiply this quotient by the direct cost of the item to be priced. The result is the ceiling price of the item being priced.

(c) *Items which differ only in grade.* If you are unable to figure a ceiling price for an item of a particular grade of a product under section 2 of this regulation because you had no base period sales of the item, but you are able to compute ceiling prices for three other items of the same product under section 2, you shall compute the ceiling price for the item in question by a mathematical comparison of the established ceiling prices of the three comparison items of the same product as follows:

(1) Let "X" denote the item being priced.

(2) Select comparison item "A" which shall differ only in grade from "X".

(3) Select comparison item "B" which shall differ only in container size from "X".

(4) Select comparison item "C" which (i) shall differ both in grade and container size from "X"; (ii) shall differ from "A" only as to container size and (iii) shall differ from "B" only as to grade.

(5) You shall then divide the ceiling price for "B" by the ceiling price for "C" and multiply the result by the ceiling price for "A". The result is the ceiling price for the item being priced.

Example	*Price per dozen*
(1) "X", the item being priced, is standard halves unpeeled apricots in No. 2½ cans	
(2) "A" is choice halves unpeeled apricots in No. 2½ cans	$3.00
(3) "B" is standard halves unpeeled apricots in No. 1T cans	1.60
(4) "C" is choice halves unpeeled apricots in No. 1T cans	1.85

then $\frac{1.60}{1.85}=0.8648\times\$3.00=\$2.5944$

(5) The ceiling price for item "X" is $2.59½ per dozen, if your established method is to quote in one-half cents, or $2.59 per dozen if your established method is to quote in even cents.

SEC. 5. *Ceiling prices for processor-wholesalers and for processor-retailers.* If you are a processor-wholesaler or processor-retailer, as defined in section 26, with respect to an item, you shall compute your ceiling price for the item as follows:

(a) *Your base price.* You shall compute your base price by the first one of the following methods which is applicable: *Provided, however,* That all items of the product shall be priced by the same method.

(1) If you sold during the base period 10 percent or more of your total 1948 production of the product to wholesalers or to chain store buying agencies who were in no way associated or affiliated with you, you shall use the weighted average sales price of such sales as your base price.

(2) If you are unable to price under subparagraph (1) of this paragraph, and if you are a processor-wholesaler, you determine the weighted average sales prices of your sales of the item as a wholesaler during the base period, and divide this weighted average by the markup factor provided in CPR 14 as amended (16 F. R. 2725) for the wholesale class in which you operate having the highest markup. If you a processor-retailer, you determine the weighted average sales price of your sales of the item as a retailer during the base period, and divide this weighted average by the decimal equivalent of 100 percent plus the markup percentage provided in CPR 15, as amended (16 F. R. 2735) for Group 4 stores.

You then deduct the total transportation cost from the wholesale or retail figure resulting from the above division. The resulting figure converted to dozens is your base price as that term is used in section 2 (a) of this regulation.

(b) *Ceiling price f. o. b. factory.* Using the price determined under paragraph (a) of this section, you shall then determine your f. o. b. factory ceiling price in accordance with the provisions of section 2 of this regulation.

(c) *Ceiling prices at wholesale.* For any sales of the item at wholesale, you shall proceed as a wholesaler under the provisions of CPR 14, as amended, finding your "net cost" by substituting your f. o. b. factory ceiling price determined above for the "amount you paid your supplier" under CPR 14, as amended.

(d) *Ceiling prices at retail.* For any sales of the items at retail, you shall proceed as a Group 4 retailer under the provisions of CPR 15, as amended, finding your "net cost" by substituting your f. o. b. factory ceiling price determined above for the "amount you paid your supplier" under CPR 15, as amended.

SEC. 6. *Ceiling prices for processors who are unable to figure their ceiling prices under sections 2, 3 or 4 of this regulation.* (a) If you are unable to figure your ceiling price for an item under sections 2, 3 or 4 of this regulation, you shall use as your ceiling price

for that item the simple average of the ceiling prices, for the same item, of the three processors of the item located nearest your factory in the same pricing area as defined in section 2 (a) (3) of this regulation. If there are less than three in the area, you may use the average of the available ceiling prices of two processors. Ceiling prices established under this section are subject to revision by the Director of Price Stabilization in accordance with section 7 (f) of this regulation. If you are unable to secure the ceiling prices of the required number of processors, you shall apply to the Office of Price Stabilization, Washington 25, D. C., for an individual authorization of a ceiling price in accordance with section 7 of this regulation.

(b) If you believe that the ceiling price obtained by using the provisions of paragraph (a) of this section is not representative of the competitive price level at which you have customarily sold your products, or if you use merchandising methods in their sale and distribution different from those of such processors, you may apply under section 7 of this regulation to the Office of Price Stabilization, for a ceiling price. In filing an application under this section, you shall submit your selling prices for the years 1948, 1949, and 1950 (or such of these years as available), of all items of the same or most closely comparable product, and prices (if available) of the processors whose ceilings you are using for the same years covering the same or comparable product, together with a statement of reasons why you believe you cannot establish your ceiling under paragraph (a) of this section.

SEC. 7. *Individual authorization of ceiling prices.* If you cannot determine your ceiling price for an item under any of the foregoing pricing methods of this regulation you shall, before delivering the item to any purchaser, apply to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., for a ceiling price for each factory or group of factories at which you process the item. This application may be made on a form available at Office of Price Stabilization offices

(a) *Information that must be given in all cases.* In all such cases, you shall submit, if available, the following information in your application:

(1) A description in detail of the item for which a ceiling price is sought, a statement of the facts that make it different from the most similar item for which you have determined a ceiling price, identifying the similar item and stating its ceiling price, and a statement giving the reasons why a ceiling price cannot be established under the pricing methods of this regulation. The statement should indicate whether sales of the item have previously been made, and if so, whether a ceiling price was established under the General Ceiling Price Regulation, and if so, the ceiling price so established for each class of purchaser and the section of that regulation under which established.

(2) The 1948 and 1951 weighted average raw material costs per ton (or other unit) figured in the manner and subject to the limitations set forth in section 2 (d) of this regulation and a statement showing your current case (unit) yield.

(3) Breakdown by item of the estimated total costs computed in accordance with your customary accounting practice.

(4) The ceiling price proposed for the item, indicating whether it is for sale to wholesalers, retailers, consumers, or other classes of purchasers, and any discounts, or allowances that should be applicable to the proposed price and a list of your customary discounts, transportation and other allowances and price differentials.

(5) The volume of the item which you have on hand and which you expect to produce during the remainder of the pack year.

(b) *Supplementary information must be given if specifically requested.* You shall mail to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., within 15 days after receipt of its request such additional information as shall be requested. If you fail, without reasonable explanation, to submit all additional information that may have been requested within 15 days after the request is mailed, your application shall be considered withdrawn and the docket closed. Unless the application is refiled, the docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Stabilization will not be given.

(c) *Disposition of application.* Upon receipt of the application, the Office of Price Stabilization will authorize a ceiling price, or a method for determining the ceiling price, for the applicant or for sellers of the item generally. The ceiling price authorized shall be one that bears a proper relationship to those for comparable commodities and sellers.

A proposed price shall be considered authorized 20 days after the application (or all additional information that may have been requested) is mailed by registered air mail, addressed to Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., unless within that time the applicant has received from the Office of Price Stabilization a notice to the contrary.

(d) *Delivery before authorization of ceiling prices.* After filing the application, you may deliver the item and receive a payment of not more than 75 percent of the proposed price, but you may not receive further payment for it until a ceiling price is authorized.

(e) *Failure to apply when required.* If you fail to apply for a ceiling price under this section when required to do so, the Office of Price Stabilization may authorize a ceiling price for your sales of the item bearing a proper relationship to those for comparable commodities and sellers. This will not relieve you of your obligation to comply with this section or with any other provision of this regulation, nor will it relieve you of any penalty for failure to do so.

(f) *Revision of prices by the Office of Price Stabilization.* Any ceiling price established under this section shall be subject to revision at any time by the Office of Price Stabilization.

SEC. 8. *Adjustment of processors' ceiling prices.* [Provisions to be added by amendment.]

SEC. 9. *Uniform f. o. b. factory prices for factories in different pricing areas.* (a) If you process the item being priced at more than one factory and if your ceiling prices for the item vary by factories located in different pricing areas, you may establish a uniform ceiling price for the item for any group of factories in those areas by figuring a weighted average of their separate ceiling prices.

(b) For any two or more factories selected by you, the "weighted average ceiling price" shall be figured by you as follows:

(1) You shall (i) determine the total estimated receipts which would have been obtained if your total production of the item at those factories during 1950 had been sold at the separate ceiling prices otherwise determined under this regulation and, (ii) divide that figure by the total number of dozens of the item included in that total production. The result is your uniform f. o. b. factory price.

(c) If you at any time recalculate your ceiling prices for an item under the provisions of section 2 of this regulation, you shall at that time refigure your weighted average ceiling price under this section.

SEC. 10. *Delivered prices.* You may figure a delivered ceiling price by adding to the ceiling price for the item f. o. b. factory, the amount of the current transportation charges per sales unit of that item.

SEC. 11. *Uniform delivered pricing by zones or areas*—(a) *Sellers who sold during 1950 on a uniform delivered price by zones or areas*—(1) *For one factory.* If you sold or delivered an item covered by this regulation during 1950 on an established uniform delivered price basis by zones or areas, you may establish a delivered ceiling price for the same zone or areas by adding to your ceiling price f. o. b. factory, an average transportation charge, figured on the same basis as you figured such charge during 1950, but at current transportation rates. If you desire to sell an additional item not sold during 1950 on such uniform delivered price basis, you may establish a uniform delivered ceiling price for the same zones or areas, by adding to your f. o. b. factory ceiling price for the item, transportation charges which are mathematically proportional by shipping weight to the charges which were added to an item of the nearest shipping weight sold on a uinform delivered price basis in 1950.

(2) *For two or more factories.* If you sold an item during the calendar year 1950 from two or more factories on an established uniform delivered price basis, by zones or areas, regardless of the factories from which the shipment was made, you may continue such practice for the same zones or areas. Your uniform delivered ceiling price for the item shall be the weighted average of the delivered ceiling prices, as figured in sub-

paragraph (1) of this paragraph, for the item computed on the basis of the proportion of sales of the pack of the item made during 1950 from each of your respective factories.

SEC. 12. *Payment of brokers.* In accordance with trade custom every broker shall be considered as the agent of the processor and not the agent of the buyer. In each case, the amount paid by the buyer to the processor plus any amount paid for brokerage service to the broker shall not exceed the total of the processor's ceiling price and allowable transportation costs actually paid by the processor or by the broker.

The term "broker" includes a "finder".

SEC. 13. *Special packing expenses that may be reflected in ceiling prices*—(a) *Conditions under which special packing expenses may be reflected in ceiling prices.* Special packing expenses to meet special written requirements of the buyer for government use, for export, or for gifts are a basis for increasing ceiling prices for sales of an item if the following conditions are satisfied:

(1) The item must be packed in a manner, package or container that is different from and more expensive than standard packing; and

(2) The processor must pack the goods for sale by himself; and not for another on a custom or "toll" basis.

(b) *Ceiling prices for sales that meet the conditions of paragraph (a).* For any sale that satisfies the requirements of paragraph (a) of this section, your ceiling price as otherwise determined under this regulation may be increased by the following amount:

(1) The additional cost of packing according to the specifications of the buyer in excess of the cost of standard packing, if the processor packs the item himself, or

(2) The additional amount actually paid to another person for packing according to specifications of the buyer in excess of the cost of standard packing, if the processor does not pack the item himself.

(c) *Invoice and record-keeping requirements.* In any cases where your ceiling price is increased under paragraph (b) of this section, you shall:

(1) Show separately the amount of the increase in your contract of sale or on your invoice.

(2) In addition to the records otherwise specified by this regulation, prepare and keep for inspection by the Office of Price Stabilization, for two years, from the date of your invoice to the buyer, accurate records showing the cost of standard packing and the cost of packing according to the specifications of the buyer.

(d) *Computation of costs.* Costs must be figured according to your established accounting methods. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(e) *Meaning of "packing" and "standard packing".* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of items in such wrappings or containers; the application of any special coverings or coatings; and any unpacking and repacking necessary to conform to the specifications of the buyer.

"Standard packing" means the most expensive packing the cost of which was included in figuring the ceiling prices established by this regulation.

SEC. 14. *Units of sale and fractions of a cent.* (a) Ceiling prices shall be stated in terms of the same general sales units (like dozens, cases, etc.) in which you have customarily quoted prices for the product. Sales in units other than those in which you computed your ceiling price shall be at that ceiling price adjusted for the number of containers in the unit and for customary discounts and differentials.

(b) Amounts computed in the process of figuring a ceiling price (other than the ceiling price itself) shall be carried to four decimal places (hundredth of a cent). If any figured ceiling price includes a fraction of a cent, you shall adjust the ceiling price to the nearest cent or one-half cent in accordance with your established method for quoting your sales prices.

SEC. 15. *Maintenance of customary discounts, allowances and price differentials.* You shall not change any customary allowance, discount or other price differential as defined in section 26 of this regulation to a purchaser or class of purchaser, if the change results in a higher price to that purchaser or class. However, this provision shall not require you to sell any item unlabeled, or under a buyer's label, or to extend or duplicate any temporary promotional campaign.

SEC. 16. *Export sales.* The ceiling price at which you may export any item covered by this regulation shall be determined in accordance with the regulation applicable to such sales.

SEC. 17. *Storage.* Storage costs incurred on goods owned by you shall not be added to your ceiling prices if absorbed by you during the base period. Storage by you of goods owned by the buyer shall be charged for in accordance with the rates provided by the ceiling price regulation applicable to such services.

SEC. 18. *Records which must be kept.* If you make sales covered by this regulation you shall:

(a) Make and preserve for examination by the Office of Price Stabilization, for two years from the date of your invoice to the buyer, all records of the same kind as you have customarily kept, relating to the prices which you charged for those sales, and

(b) Preserve for examination by the Office of Price Stabilization for as long as the Defense Production Act, as amended, remains in effect, and for two years thereafter, all your existing records which were the basis of figuring your ceiling prices in the manner directed by this regulation, showing the method used in figuring the ceiling prices.

SEC. 19. *Reports which must be filed.* (a) If you determine ceiling prices for items of the processed fruits or berries covered by this regulation, you shall mail to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., a report on a form obtainable from the Office of Price Stabilization, signed by you, for all items for which you determine ceiling prices under this regulation. All items of the product of a particular fruit or berries shall be included on one form. However, a supplemental form shall be filed if ceiling prices for some items of a product are determined or recalculated at a later date. Copies of the reporting form may be obtained from any field office of the Office of Price Stabilization, or from the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C.

(b) The reports required by this section for any item shall be mailed to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., within 5 days after such item is offered for sale, or the ceiling price is recalculated.

SEC. 20. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, invoice or similar evidence of purchase, you shall continue to do so. Upon request, you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the name and quantity of each item sold, and the price received for it.

SEC. 21. *Transfer of factory.* If a factory of a processor subject to this regulation is sold or its operation otherwise transferred to you on or after July 31, 1951, your ceiling prices with respect to such factory shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to you all records of transactions prior to the transfer which he has and which are necessary to enable you to comply with the record provisions of this regulation.

SEC. 22. *Adjustable pricing.* You may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery, but you may not, unless authorized by the Office of Price Stabilization, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Stabilization after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution and will not interfere with the purposes of the Defense Production Act, as amended. The authorization may be given by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order except that it may be given by letter or telegram when the contemplated action is the authorization of an individual ceiling price.

SEC. 23. *Treatment of excise taxes*—(a) *Taxes in effect during base period.* If, during the base period, you separately

stated and collected any excise or similar tax you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily during the base period state and collect separately from the purchase price, the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price.

(b) *Taxes imposed since base period.* In all other cases, if at the time you determine your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you.

In every case when the tax is collected from the purchaser the amount thereof shall be separately stated.

SEC. 24. *Compliance with this regulation*—(a) *No selling or buying above ceiling prices.* Regardless of any contract or obligation no person shall sell or deliver or, in the course of trade, buy or receive any item at a price higher than the ceiling price established by this regulation.

(b) *Evasion.* No person shall evade a ceiling price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium, or other privilege; by tie-in requirement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act, as amended.

SEC. 25. *Petitions for amendments, protest and interpretations.* Any protest, petition for amendment, or request for interpretation of this regulation, may be filed in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 9055).

SEC. 26. *Definitions.* When used in this regulation the term:

(a) "Base Period" of a product means the sixty day period beginning with the first day in 1948 that the processor processed any item of such product of a fruit or berry covered by this regulation.

(b) "Customary allowances, discounts and price differentials" means those differentials for cash discount, swell allowance, allowance for buyer's labels, for unlabeled goods, for differences in volume of sales, for class of buyer, for class of sale, or for method or time of delivery which were customary in the business of the processor and in effect prior to and during the base period.

(c) "Grade" means the commercial grade or customary trade quality designation at the time of shipment. However, where the processor elects to use grades as established and defined by any governmental agency and sells the item under any such grade designation, the term "grade" means such grade at time of shipment.

(d) "Item" means a kind, variety, grade, density, size, style of pack or container type and size of a product.

(e) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(f) "Processor" means a person who is engaged commercially in preserving a fruit or berry by processing so as to extend materially the period of its availability for consumption as a food. The term includes a person who has the item processed for him by another and who owns the raw material immediately prior to and through the period of processing.

(g) "Processor-retailer" means a processor who sells the item at retail.

(h) "Processor-wholesaler" means a processor who sells the item at wholesale.

(i) "Product" means the common and usual name of a finished food processed from a fruit or berry covered by this regulation, but does not include baby foods, junior foods, jams, jellies, marmalades or preserves.

(j) "Sales at retail" means sales to ultimate consumers other than commercial, industrial and institutional users.

(k) "Sales at wholesale" means sales with respect to which processor has performed the function of selling as a wholesaler to retail stores, but not including sales to chain store buying agencies, or to associations of retail store buying agencies which warehouse the product prior to distribution to the individual retail outlet.

(l) "Sales units" means your customary invoicing quantities of the item, such as dozens, cases, etc.

(m) "Weighted average raw material cost" means the total amount paid by the processor to the grower for the raw agricultural material plus any transportation, storage, harvesting, seeds and plants, crates, boxes, bags, acquisition, and other direct costs, paid or incurred by the processor up to the point of delivery at the factory, divided by the total tons (or other units) of raw material purchased.

Effective date. The effective date of this regulation is July 31, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8920; Filed, July 31, 1951; 11:41 a. m.]

[Ceiling Price Regulation 57]

CPR 57—CEILING PRICES FOR ANTI-FREEZE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 733), this Ceiling Price Regulation 57 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for all sales of anti-freeze produced in the United States and sold in the 48 States of the United States and the District of Columbia. Imported anti-freeze is controlled by Ceiling Price Regulation 31, but sales for export and export sales are covered by this regulation until governed by a ceiling price regulation on exports.

Sales of anti-freeze are largely seasonal in character. In the spring of the year manufacturers and resellers begin to make preparations for the winter season so that adequate supplies will be available throughout the country when the first cold weather appears. The manufacturers and distributors of anti-freeze are now making shipments for the 1951–52 season. The need for certain pricing standards, together with the relative simplicity of a dollar-and-cents ceiling type of regulation, makes a tailored regulation for the anti-freeze industry more desirable than the provisions of the General Ceiling Price Regulation or the Manufacturers' General Ceiling Price Regulation.

This regulation sets specific ceiling prices for three types of anti-freeze, which are designated Types S, SC and P anti-freeze. Type S is a "volatile" type anti-freeze containing synthetic alcohols, principally synthetic methanol. Type SC is a diluted synthetic methanol product. Type P is a permanent type anti-freeze and consists largely of glycol compounds. Different ceiling prices are set, depending on whether the anti-freeze is "standard" or "substandard", as defined in the regulation. In the event that other types of anti-freeze are produced, provision is made for application to the Director of Price Stabilization for establishment of appropriate ceiling prices.

The ceiling prices established by this regulation are based upon prices put into effect during January 1951 by producers responsible for a major portion of the production of anti-freeze. Margins of resellers have been generally maintained.

This regulation sets specific dollar and cents ceiling prices for sales at retail and sales to retail dealers. For all other sales the sellers will use the specific dollar and cents ceiling prices for sales to retail dealers as the basis for computing their ceiling prices to their other classes of purchasers. The computation is made by applying to the ceiling prices for sales to retail dealers the same percentage discounts as those in effect for sales to these other classes of purchasers during the period April 1, 1950, to December 1, 1950, or by applying a formula designed to accomplish parallel results. In view of the diverse methods of marketing anti-freeze through oil companies and chain outlets, as well as through various types of wholesalers, the method or formula provided for determination of ceiling prices for sales at levels other than the consumer and retail dealer level is more appropriate than specific dollar and

cents ceiling prices as were established at the consumer and retail dealer levels. For new sellers and those unable to price in unusual situations, provision is made for application to the Director for the establishment of ceiling prices.

FINDING OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

To the extent that such standards as are used in this regulation were not previously in general use in the industry, the Director finds that no practicable alternative exists for securing effective price control with respect to these materials.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 21 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, September 9, 1950, 15 F. R. 6105, 3 CFR, 1951 Supp.

SECTION 1. *Sales covered by this regulation.* This regulation establishes ceiling prices for all sales of anti-freeze in the 48 states of the United States and in the District of Columbia, except sales of anti-freeze which has been imported. Until the issuance of a ceiling price regulation covering exports, this regulation also covers export sales of anti-freeze and sales for export.

SEC. 2. *Relation to other regulations.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to all sales of anti-freeze covered by this regulation. Ceiling Price Regulation 31 is applicable to sales of imported anti-freeze. When a ceiling price regulation covering exports is issued, it will apply to export sales and sales for export.

SEC. 3. *Retail ceiling prices for standard types S, SC and P anti-freeze*—(a) *Ceiling prices.* The ceiling prices for sales at retail of standard types S, SC and P anti-freeze, except those sales covered by paragraph (b) of this section, are:

CEILING PRICE

Quantity	Type S	Type SC	Type P
(1) 1 gallon or more, per gallon	$1.50	$1.40	$3.75
(2) Less than 1 gallon, per quart	.40	.35	1.00

Customary price differentials must be allowed in accordance with section 7 of this regulation. If, for example, you allowed a special discount to fleet owners, you must allow the same discount now.

These retail ceiling prices include draining the automobile cooling system and refilling with a mixture of water and anti-freeze if you customarily did so without charge during the period October 1, 1950, to March 31, 1951, and if the buyer requests that it be done. If you did not sell anti-freeze during that period, you must install the anti-freeze in the cooling systems without charge if sellers like you did so during that period.

(b) *Private brands.* If you sell standard Type S, SC, or P anti-freeze at retail under your own brand name, and if you are not a manufacturer, your ceiling prices for sales at retail are determined as follows:

(1) Find the highest price at which you sold your private brand standard Type S, SC, or Type P anti-freeze during the period October 1, 1950, to December 1, 1950.

(2) Determine the difference in dollar and cents between that price and the price for the same type and quantity of an anti-freeze listed in the following schedule:

SCHEDULE

Quantity	Type S	Type SC	Type P
(1) 1 gallon or more, per gallon	$1.25	$1.15	$3.50
(2) Less than 1 gallon, per quart	.35	.30	.95

(3) Subtract that difference from the retail ceiling prices set forth in paragraph (a) of this section for anti-freeze of the same type and quantity. If the resulting price is a figure which is not a multiple of five, you may adjust that price to the next highest five-cent figure. The resulting price is your ceiling price, but in no event shall the price be higher than the ceiling price established by paragraph (a) for a like sale.

SEC. 4. *Ceiling prices for sales of standard types S, SC and P anti-freeze to retail dealers.* The ceiling prices for sales of standard types S, SC and P anti-freeze to retail dealers are:

Container size	Ceiling price per gallon		
	Type S	Type SC	Type P
(1) 50–55 gallon drums	$0.90	$0.83	$2.41
(2) 1 gallon can, case lots and 5-gallon cans	.98	.91	2.51
(3) 1 quart can, case lots	1.05	.98	2.68

These prices include delivery to purchasers where you customarily provided free delivery to purchasers of the same class during the period April 1, 1950 to December 1, 1950. Where only part of delivery costs was borne by you during such period, you are required to bear part of the costs of delivery on terms at least as favorable as those in effect to purchasers of the same class during such period. If you did not sell anti-freeze during the period April 1, 1950 to December 1, 1950, you must bear transportation costs on the same terms that sellers like you bore during that period in sales to the same or similar classes of purchasers. Customary price differentials, in effect during the period April 1, 1950 to December 1, 1950 shall apply as required by section 7.

SEC. 5. *Ceiling prices for sales of standard types S, SC and P anti-freeze to persons other than retail dealers or individual consumers*—(a) *Standard types S, SC and P anti-freeze.* The ceiling prices for your sales of standard types S, SC and P anti-freeze to any purchaser other than one of the classes in section 3 or 4 are the ceiling prices set forth in section 4 less the same percentage discount which you allowed the same class of purchaser on sales in similar quantities during the period April 1, 1950 to December 1, 1950. Where your price was determined without reference to percentage discounts, your ceiling price is determined as follows:

(1) Find the highest price at which 10 percent or more of your standard type S, SC or P anti-freeze was sold during the period April 1, 1950 to December 1, 1950 to purchasers of the same class for which you are computing a ceiling price.

(2) Determine the highest price at which 10 percent or more of your standard anti-freeze of the same type was sold to retail dealers during the period April 1, 1950 to December 1, 1950.

(3) Divide the price found in (1) by the price found in (2).

(4) Apply the resulting ratio to the ceiling price set forth in section 4 for anti-freeze of the same type. The result is your ceiling price for that class of purchaser.

(b) *Applications for ceiling prices.* If you are unable to determine your ceiling prices under paragraph (a) of this section you must apply to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25,

D. C. for the establishment of ceiling prices. Your application shall contain an explanation of why you are unable to determine your ceiling prices under this regulation and to the extent applicable to you shall contain the same information required by paragraph (b) of section 8 of this regulation. You may not sell your anti-freeze until the Director of Price Stabilization notifies you in writing of your ceiling prices. If, however, ceiling prices had been established for your anti-freeze under another regulation before the effective date of this regulation, you may, after your application is filed, sell at those ceiling prices while your application under this section is pending before the Director of Price Stabilization.

SEC. 6. *Ceiling prices for substandard types S, SC and P anti-freeze.* If you sell substandard anti-freeze as defined in section 21 your ceiling price for sales of types S, SC and P substandard anti-freeze is determined as follows:

(a) *Sales to retail dealers or individual consumers.* (1) Find the ceiling price for standard anti-freeze as determined in Sections 3 or 4 (whichever is applicable to the type of sale for which you are pricing) of the same quantity and type as the substandard antifreeze which you are pricing.

(2) Multiply the amount found in (1) by 0.75.

(3) Divide the amount found in (2) by the number of gallons of your substandard anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to ten degrees below zero (−10°) Fahrenheit. The result is the ceiling price of your substandard anti-freeze to the class of purchaser, and for the quantity you are pricing.

(b) *Sales to persons other than retail dealers or individual consumers*—(1) *Substandard Types S, SC and P.* The ceiling prices for your sales of substandard types S, SC and P anti-freeze to any purchaser other than one of the classes named in paragraph (a) of this section are the ceiling prices to retail dealers determined under paragraph (a) of this section less the same percentage discount which you allowed the same class of purchaser on sales in similar quantities during the period April 1, 1950, to December 1, 1950. Where your price was determined without reference to percentage discounts, your ceiling price is determined as follows:

(i) Find the highest price at which 10 percent or more of your substandard type S, SC or P anti-freeze was sold during the period April 1, 1950 to December 1, 1950 to purchasers of the same class for which you are computing a ceiling price.

(ii) Determine the highest price at which 10 percent or more of your substandard anti-freeze of the same type was sold to retail dealers during the period April 1, 1950 to December 1, 1950.

(iii) Divide the price found in (i) by the price found in (ii).

(iv) Apply the resulting ratio to the ceiling prices to retail dealers determined under paragraph (a) of this section for anti-freeze of the same type. The result is your ceiling price to that class of purchaser.

(2) *Applications for ceiling prices.* If you are unable to determine your ceiling prices under paragraph (b) (1) of this section, the provisions of section 5 (c) shall apply to you.

SEC. 7. *Customary price differentials.* For each class of purchasers you must maintain delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, price differentials for sales in containers other than those listed herein, guarantees, servicing terms and other terms and conditions of sale, at least as favorable as those which you had in effect during the period April 1, 1950 to December 1, 1950.

SEC. 8. *Ceiling prices for anti-freeze of types other than types S, SC, or P*—(a) *The ceiling prices.* The ceiling prices for an anti-freeze which is of a type other than type S, SC, or P (standard or substandard) shall be those specifically authorized by the Director of Price Stabilization. The Director will establish ceiling prices under this section which are in line with the ceiling prices otherwise established by this regulation.

(b) *Application for ceiling price required.* Before offering such an anti-freeze for sale, you must, if you are the manufacturer of the anti-freeze, send to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., by registered mail, an application for the establishment of prices by the Director of Price Stabilization. Your application must contain the following information:

(1) The geographical area in which you propose to distribute the anti-freeze.

(2) The types of resellers through which you propose to distribute the anti-freeze.

(3) The ceiling prices which you believe should be established for sales at the different levels of distribution through which your anti-freeze will be sold. Include an explanation of the reasons why you believe that those ceiling prices are in line with the ceiling prices established by this regulation. If ceiling prices were in effect for your anti-freeze prior to the date of this regulation, set forth those ceiling prices.

(4) The quantitative formula of the anti-freeze; ceiling or actual purchase price, whichever is lower, of each material in such formula, per unit of material; corresponding material cost for each material per gallon of anti-freeze; name and address of the supplier of each material whose ceiling price or actual selling price was used.

(5) Detailed breakdown of costs, other than material costs per gallon of anti-freeze, showing:

(i) Package costs, excluding direct labor cost for packaging, for each size and type of container.

(ii) Direct labor costs for packaging for each size and type of container.

(iii) Direct labor costs for preparing the anti-freeze.

(iv) Statement of proposed terms of delivery and estimated freight absorption.

(6) Statement as to the number of gallons of the anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit, to zero degrees Fahrenheit, and by one degree Fahrenheit; specific gravity, boiling point and freezing point of the anti-freeze; boiling points and percentage compositions (by weight) of any constant boiling point mixtures which the anti-freeze forms with water; complete protection table, if available; and description and results of any tests that have been made as to the cooling properties, corrosive effects, and other properties of the anti-freeze.

(c) *Requirement of marking and posting.* Any authorization of ceiling prices under this section may contain such requirements as to the marking and posting of retail prices and other information as the Director of Price Stabilization may determine to be necessary to effectuate the purpose of this regulation.

(d) *Sales prohibited before prices established by OPS; exception.* You may not sell any anti-freeze required to be priced under this section until you have had ceiling prices established by the Director of Price Stabilization. If, however, ceiling prices had been established for your anti-freeze under another regulation before the effective date of this regulation, you may, after your application is filed, sell at those ceiling prices while your application under this section is pending before the Director of Price Stabilization.

SEC. 9. *No increased charges for containers.* The ceiling prices established by this regulation shall not be increased by any charges for containers. You may, however, require the return of containers, but in such case the ceiling prices which may be charged are the ceiling prices specifically set forth in this regulation less $0.03 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller. When you make sales upon a container-returnable basis, you may require a reasonable deposit for the return of such containers, but the deposit must be refunded to the buyer upon the return of the containers in good condition within a reasonable time.

SEC. 10 *Records which you must keep*—(a) *Base period records.* (1) Within 30 days from the effective date of this regulation manufacturers and resellers other than retail dealers must prepare a statement showing their customary price differentials, as described in section 7 of this regulation, which were in effect during the period April 1, 1950 to December 1, 1950.

(2) This statement and all supporting records therefor must be preserved and kept available for examination by the Director of Price Stabilization for the life of the Defense Production Act of 1950, as amended, and for two years thereafter.

(b) *Current records.* You must keep for a period of not less than two years the following records:

(1) If you are a manufacturer, records of every sale made by you on and

after the effective date, showing the date of each sale, the name and address of the buyer, the quantity and type of anti-freeze sold, and the price contracted for or received;

(2) If you are a reseller other than a retail dealer, records of sales showing the same type of information as required of the manufacturer in subparagraph (1) of this paragraph, as well as records of all of your purchases of anti-freeze, showing the date of purchase, name and address of your supplier, quantity and type of anti-freeze bought, and the price paid.

(3) If you are a retail dealer, records of all of your purchases, showing the date of purchase, name and address of your supplier, quantity and type of anti-freeze bought, and the price paid.

SEC. 11. *Receipts to purchasers.* If you have customarily given your purchaser a sales slip or similar evidence of purchase during the period April 1, 1950 to December 31, 1950, you must continue to do so. If it has not been your custom to do so previously, you must nevertheless give your purchaser a receipt or similar evidence of purchase if he asks for one. The receipt must show your name and address, the amount and type of anti-freeze sold, the date sold, and the price received for the anti-freeze.

SEC. 12. *Information required to be placed on anti-freeze containers.* (a) Within 30 days after the effective date of this regulation, you may not package anti-freeze in containers unless the following information is marked on the containers or on labels securely affixed thereto:

(1) The type of anti-freeze contained therein.

(2) The strength of the anti-freeze contained therein.

Such strength may be so designated as follows: "Three quarts of this anti-freeze when added to one gallon of water will reduce the freezing point of the mixture to 10 degrees below zero Fahrenheit." Or, as an alternative, it may be designated by a complete anti-freeze protection table from which the above information may be obtained. However, where any anti-freeze is packaged which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower the terms "standard" or "standard strength," may be used instead of the above statement or protection table.

(3) The applicable retail ceiling price as established by this regulation for the anti-freeze contained therein. Such price shall be designated as follows: "OPS Retail Ceiling Price $_____" The blank in the quoted phrase shall be filled in with the applicable retail ceiling price as established by this regulation.

(b) The type of the anti-freeze and the applicable retail ceiling price established by this regulation shall be printed in letters at least two inches high on containers of more than 5 gallons, and in letters at least as large as any other printed matter thereon other than the trade mark or trade name on containers of 5 gallons or less.

(c) The marking specified in paragraph (a) (3) of this section may be omitted where anti-freeze is sold directly to the United States, or to any agency thereof, or to any State or political subdivision thereto or to a commercial or industrial user.

SEC. 13. *Marking and posting by retailers of anti-freeze.* (a) If you sell anti-freeze at retail, you shall post the ceiling price of each type and brand of anti-freeze sold, in a manner plainly visible to and understandable by the purchasing public. The ceiling price may be posted on the shelf, bin, or rack upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale, and shall be marked "OPS Ceiling Price $_____."

(b) If you sell anti-freeze at retail from containers of more than 5 gallons which do not have properly marked thereon the information required by section 12, you shall mark such information in the form and manner prescribed in that section on such containers in a place thereon where it may be readily seen by the purchaser.

SEC. 14. *Separate statement of taxes required.* You may not collect the amounts of any excise sales tax or other similar tax paid by you as such, in addition to the ceiling price of anti-freeze as set by this regulation, unless it has been your practice to state and collect such taxes separately from your selling price of anti-freeze. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amounts of the tax.

SEC. 15. *Prohibitions.* (a) After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell any anti-freeze at a price higher than the ceiling price established by or under this regulation, and you shall not buy in the course of trade or business any anti-freeze at a price higher than the ceiling price established by or under this regulation.

(b) You shall not agree, offer, solicit or attempt to do any of the foregoing.

SEC. 16. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 17. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 19. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or from offering to sell anti-freeze at:

(a) The ceiling price in effect at the time of delivery, or

(b) A fixed price, or the ceiling price at the time of delivery, whichever is lower.

You may not, however, unless authorized by the Director of Price Stabilization, deliver or agree to deliver anti-freeze at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 20. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950 as amended.

SEC. 21. *Definitions.* When used in this regulation the term: (1) "Person" includes any individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(2) "Anti-freeze" means any product sold for use, without further processing, as a depressant of the freezing point of coolant water in internal combustion engines and designated as anti-freeze.

(3) "Standard anti-freeze" means any anti-freeze which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water, reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower and which produces no more corrosion of the engine cooling system than would occur with water only.

(4) "Substandard anti-freeze" is an anti-freeze which does not meet as a minimum the requirements of a standard anti-freeze as defined in subparagraph (3) of this paragraph.

(5) "Type P anti-freeze" is an anti-freeze commonly regarded as "non-volatile" or "permanent" type anti-freeze containing as its principal freezing point depressant ethylene glycol, propylene glycol or similar compound.

(6) "Type S anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing-point depressant one or a combination of the following: Synthetic methanol, synthetic ethanol, synthetic isopropanol and similar synthetic alcohols, except an anti-freeze defined as type SC anti-freeze.

(7) "Type SC anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing-point depressant synthetic methanol and containing more than 3 percent water by volume.

(8) "Manufacturer" means any person who produces anti-freeze as defined in subparagraph (2) of this paragraph.

(9) "Sale at retail or retail sale" means a sale to an ultimate consumer.

(10) "Retail dealer" means a seller, other than a manufacturer, who in the regular course of business makes sales to the ultimate consumer.

(11) "Purchaser of the same class" means a purchaser of the same kind (for example, distributor, jobber, fleet owner, retail dealer, individual consumer) buying under the same or similar conditions of sale.

(12) "You" means any person subject to this regulation.

Effective date. This regulation shall be effective August 6, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8921; Filed, July 31, 1951; 11:42 a. m.]

[Ceiling Price Regulation 58]

CPR 58—RECLAIMED RUBBER

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., as amended), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Reclaimed rubber is produced from scrap rubber and is used as a raw material in the manufacture of rubber commodities. Rubber reclaimers also produce master batches, i. e., rubber compounds containing reclaimed rubber and other ingredients. During 1950 about 300,000 long tons of reclaimed rubber were produced by manufacturers in the United States. Production figures for the first five months of this year indicate that a substantially larger tonnage will be produced during 1951.

This regulation establishes ceiling prices for manufacturers of reclaimed rubber and persons performing custom reclaiming, master batching or custom master batching within the continental United States. The ceiling prices established apply to all sales of such commodities or services by such persons, including sales for export.

Uniform ceiling prices are established for certain listed grades of reclaimed rubber and ceiling prices are established for other grades of reclaimed rubber and for custom reclaiming, master batching and custom master batching on the basis of the seller's highest contract price for the same commodity or service during the period from November 15 to December 31, 1950.

Reclaimed rubber is sold on an f. o. b. plant basis, freight allowed. The ceiling prices established carry the seller's customary terms with respect to the allowance of freight and his customary differentials for shipment in carload and less than carload quantities.

The major grades of reclaimed rubber are standardized grades which normally are sold at uniform prices. Dollar and cent ceiling prices have been set for a number of such grades. These ceiling prices have been determined in accordance with the techniques of Ceiling Price Regulation 22.

This method of price control for such grades has been recommended by the Reclaimed Rubber Manufacturers Industry Advisory Committee and the necessary data, including prices for reclaimed rubber in the period April 1 to June 24, 1950, and material and labor cost increases have been determined and submitted by reclaimed rubber manufacturers, excluding those who produce solely for their own use.

Increases in the cost of scrap rubber have been allowed only up to the dollar and cent ceiling prices for scrap rubber established by Ceiling Price Regulation 59. On this basis, ceiling prices have been arrived at which, for whole tire reclaim are the same as, and for natural rubber tube and light colored carcass reclaim are considerably below, the ceiling prices for these grades of reclaim under the General Ceiling Price Regulation. The dollar and cent ceiling prices established for reclaimed rubber manufactured in plants located in California are lower than those established for the same grades reclaim produced in other plants, reflecting the differential between California and other manufacturers which normally prevails in the industry and which was reflected in prices in effect between April 1 and June 24, 1950. For light colored carcass reclaim, a specific dollar and cent ceiling price is established only for the number one grade. The regulation provides that the ceiling price of grades of light colored carcass reclaim below number one grade shall be determined in accordance with trade practice at a differential below the ceiling price for the number one grade commensurate with the difference in specific gravity and other relevant criteria.

The ceiling prices for other grades of reclaimed rubber are fixed on the basis of contract prices in the period November 15 to December 31, 1950, in order to bring the prices for such commodities into line with the ceiling prices for the miscellaneous kinds of scrap rubber, fixed on the basis of contract prices in the same period, as provided in Ceiling Price Regulation 59. The ceiling prices for the miscellaneous grades of reclaim thus represent a moderate rollback from ceiling prices under the General Ceiling Price Regulation, reflecting the rollback of the ceiling prices of the corresponding kinds of scrap rubber.

Ceiling prices for custom reclaiming, master batching and custom master batching are brought into line with the ceiling prices for reclaimed rubber by similarly fixing ceiling prices on the basis of contract prices in the November 15 to December 31, 1950, period.

To avoid hardship to sellers having contracts in effect on the date of issue of this regulation, providing for future delivery at a price higher than the ceiling price established by this regulation, provision is made for delivery under such contracts at the contract price provided that the product so delivered is placed in transit to the purchaser within fourteen days from the effective date of this regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

The effect of this regulation upon business practices, cost practices, and means or aids to distribution in the industry has been considered. It is believed that no substantial changes in such practices or methods have been effected. To the extent that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

The specifications and standards employed in this regulation to described the different kinds, classes, or types of material or service for which ceiling prices are established by the regulation have been in general use in the trades and industries affected. To the extent to which this regulation standardizes any materials or services, no practicable alternative to such standardization exists for securing effective price control with respect to such materials or services.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 18 issued under Sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation covers.* (a) This regulation applies to, and establishes ceiling prices for, persons producing reclaimed rubber or performing custom reclaiming, master batching, or custom master batching within the forty-eight States of the United States and the District of Columbia.

(b) The ceiling prices established by this regulation apply to sales of such commodities or services within the forty-eight States of the United States and the District of Columbia or for export from such area. With respect to all transactions for which ceiling prices are established by this regulation, the General Ceiling Price Regulation and all Ceiling Price Regulations are superseded. Section 6 of Supplementary Regulation 10 to Ceiling Price Regulation 22 is hereby revoked.

SEC. 2. *Ceiling prices for grades of reclaimed rubber listed in Table I.* (a) Your ceiling prices for the sale of reclaimed rubber of the grades listed in Table I are the prices listed in that table.

(b) Your ceiling price for a grade of light colored carcass reclaim below No. 1 grade shall be reduced below the price listed in Table I for the No. 1 grade by an amount commensurate with the difference in specific gravity and color as compared with the No. 1 grade, in accordance with trade practice.

(c) The ceiling prices established by paragraphs (a) and (b) are your ceiling prices for sales in carload quantities. Your ceiling prices for sales in other quantities are obtained by applying to the ceiling prices for sales in carload quantities your customary differentials for less than carload quantities.

SEC. 3. *Ceiling prices for grades of reclaimed rubber not listed in Table I.* (a) Your ceiling prices for grades of reclaimed rubber not listed in Table I are the prices quoted in your price list in effect on December 31, 1950.

(b) If you did not have such a list price in effect, for a particular grade, your ceiling price is the highest price at which you contracted in writing during the base period from November 15 to December 31, 1950, inclusive, to sell reclaimed rubber of the same grade. Such ceiling price applies only to sales in quantities comparable to the quantity covered by the base period contract used in determining such ceiling price. Your ceiling price for sales in other quantities is determined by applying to the base period contract price your customary differentials for sales in other quantities.

SEC. 4. *Ceiling prices for custom reclaiming, master batching, and custom master batching.* (a) Your ceiling prices for custom reclaiming, master batching, and custom master batching are the prices quoted in your price list in effect on December 31, 1950.

(b) If you did not have such a list price in effect, for a particular Commodity or Service, your ceiling price is the highest price at which you contracted in writing during the base period from November 15 to December 31, 1950, inclusive, to perform the same operation, with the same materials, if any, supplied by you. Such ceiling price applies only to sales in quantities comparable to the quantity covered by the base period contract used in determining such ceiling price. Your ceiling price for sales in other quantities is determined by applying to the base period contract price your customary differentials for sales in other quantities.

SEC. 5. *Allowance of freight.* Your ceiling price must carry your customary terms with respect to the allowance of freight.

SEC. 6. *Deposits for skids or pallets and charges for export packing.* (a) If you ship on skids or pallets supplied by you, you may require a deposit for such skids or pallets not in excess of your deposit charge in effect in December 1950.

(b) If the product which you ship is specially packed by you at the request of the buyer to meet export requirements and the cost of such packing exceeds the cost to meet the normal standards for domestic shipment, you may increase your ceiling price by the amount of the extra packing cost which you incur.

SEC. 7. *Application for the establishment or adjustment of a ceiling price.* (a) Before you may enter into a contract for the sale of reclaimed rubber, custom reclaiming, master batching, or custom master batching for which you cannot determine a ceiling price under any other provision of this regulation, you must apply to the Director of Price Stabilization, Washington 25, D. C. by registered mail, return receipt requested, for the establishment of a ceiling price, setting forth the information required by paragraph (c) of this section.

(b) If you believe that any of your ceiling prices determined under section 3 or 4 is out of line with the level of prices established by such section, you may apply to the Director of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, for adjustment of your ceiling price, setting forth the information required by items (1) through (4) of paragraph (c) of this section and stating, in addition, the reasons why you believe your proposed price is in line with the level of prices established by section 3 or 4, whichever is applicable.

(c) An application under paragraph (a) of this section must contain the following information:

(1) Your name and address.

(2) A full description of the commodity or service covered by the application, including, if your application covers reclaimed rubber, the kind of scrap rubber used, the specific gravity of the reclaim, its color, degree of refinement and any other distinguishing characteristics.

(3) Your proposed ceiling price and the quantity differentials and terms with respect to allowance of freight which apply to such price.

(4) Give a detailed breakdown of the current unit direct cost of the commodity or service covered by your application together with the gross margin and the percentage markup which your proposed ceiling price represents over such direct cost. State also the average freight allowance which is covered by your proposed ceiling price. Current unit direct cost means the sum of the amounts (not higher than permitted by law) which it costs you for direct labor and materials to produce the commodity or render the service at the date of your application. Direct materials cost shall be computed on the basis of current replacement prices and direct labor cost shall be computed on the basis of current wage rates. The materials cost for materials which you manufacture shall be your current selling price for such commodities less the average freight allowance covered by your selling price.

(5) Give a detailed breakdown of your current unit direct cost for the most comparable commodity or service for which your ceiling price is established by section 2, 3, or 4; state your ceiling price for such commodity or service and the gross margin and percentage markup over current unit direct cost which such ceiling price reflects. State also the average allowance for freight which such ceiling price covers. Your proposed ceiling price may not represent a higher percentage markup over current unit direct cost than such percentage markup on the comparison commodity or service. The method used in computing current unit direct materials cost and current unit direct labor cost for the comparison commodity and for the commodity covered by your application must be the same in every respect. If you are not currently selling the comparison commodity or service, its current unit direct cost must be computed at the amounts it would cost you in direct materials and labor to produce the commodity or render the service at the date of your application. State the reasons for your selection of the comparison commodity or service. If the commodity or service covered by your application is not comparable to any commodity or service for which your ceiling price is established by section 2, 3, or 4, state why it is not comparable, and state why you believe that your proposed ceiling price is in line with the level of ceiling prices established by section 3 or 4, whichever is applicable.

(d) In acting on an application filed under paragraph (a) or (b) of this section, the Director of Price Stabilization may require you to supply any pertinent information not contained in your application. If in his judgment your proposed ceiling price is out of line with the level of ceiling prices established by this regulation he will disapprove such proposed ceiling price and, simultaneously or subsequently, establish a different amount as your ceiling price. After you have mailed your application and have received a return receipt, you may contract to sell at a price not higher than the price which shall be established as your ceiling price. Unless you are notified to the contrary by the Director of Price Stabilization, you may deliver under such contract while your application is pending. You may not, however, accept payment until the Director of Price

Stabilization has approved your proposed ceiling price or has established a different price as your ceiling price, provided that if 20 days have elapsed since the date on which your application was filed, as shown by your return receipt, and within that period you have not received from the Director of Price Stabilization a request for further information or a notification of the disapproval of your proposed ceiling price, that price is established as your ceiling price and you may thereafter accept payment at a price not higher than such ceiling price until such time as the Director of Price Stabilization designates a different price as your ceiling price. Where you have applied under paragraph (b) for an adjustment of an existing ceiling price, you may, of course, accept payment at a price not in excess of your existing ceiling price while your application for an adjustment of that price is pending.

SEC. 8. *Definitions.* "Customary quantity differential and customary allowance for freight" refer to your quantity differentials and your terms with respect to the allowance of freight in effect in June 1950, or if you did not have any such differential or terms in effect in June 1950, the quantity differential or terms with respect to the allowance of freight which you first put into effect between July 1 and December 31, 1950, inclusive.

"Custom master batching" refers to master batching in which the materials are supplied largely by the purchaser.

"Custom reclaiming" refers to the production of reclaimed rubber from materials supplied largely by the purchaser.

"Director of Price Stabilization:" This term extends to any official to whom the Director of Price Stabilization by order has delegated the function, power or authority referred to in the provision of this regulation under which such official is acting.

"Master batching" means the production of a rubber compound containing reclaimed rubber together with other ingredients.

"Person" includes any individual, corporation, partnership, association, any other organized group of persons, a legal successor or representative of any of the foregoing, the United States, any other government, and any political subdivision or agency of the United States or any other government.

"Purchase:" See the definition of "sell".

"Reclaimed rubber" means all kinds, grades, and qualities of the rubber material recovered from any vulcanized scrap rubber.

"Sell" means to sell, barter, exchange, transfer, or deliver or to contract to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

"You" means any person; "your" is to be construed accordingly.

SEC. 9. *Records*—(a) *Records of sales on and after August 6, 1951.* You must keep, and preserve for a period of two years, accurate records of each sale which you make on and after August 6, 1951, of reclaimed rubber, custom reclaiming, master batching, or custom master batching. You must include in such records any deposits required for skids or pallets and any charge for export packing.

(b) *Base period records.* You must preserve during the life of the Defense Production Act of 1950, and for two years thereafter, all records in your possession relating to the prices at which, between November 15 and December 31, 1950, inclusive, you contracted to sell any reclaimed rubber of a grade not listed in Table I, or any custom reclaiming, master batching, or custom master batching, and all records in your possession showing the deposits for skids and pallets which you required during December 1950.

(c) *General provisions as to record keeping.* The records required in (a) and (b) above are records showing the date of the contract of sale and the date of delivery, the name and address of the person to whom you sold, the commodity or service sold, the quantity sold, the price, the place to which shipment was made, and the transportation costs, if any, charged to the purchaser.

(d) *Preservation of records kept under the General Ceiling Price Regulation.* The provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect with respect to reclaimed rubber, custom reclaiming, master batching, and custom master batching insofar as they apply to the preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951 and the effective date of this regulation.

(e) *Preservation of price lists.* You must preserve during the life of the Defense Production Act of 1950, and for two years thereafter, a copy of each of your price lists for reclaimed rubber, custom reclaiming, master batching or custom master batching in effect on or after April 1, 1950. You must also preserve for the same period any records in addition to such price lists necessary to establish your customary quantity differentials and customary terms with respect to allowance of freight as defined in section 8.

SEC. 10. *Filing of price lists.* On or before September 6, 1951, you must file with the Director of Price Stabilization, Washington 25, D. C., your price lists in effect on December 31, 1950, for reclaimed rubber, custom reclaiming, master batching, and custom master batching. You must file with your price list a full description of each commodity or service covered by such price list, including for each grade of reclaimed rubber for which a price is listed, the kind of scrap rubber used, the specific gravity of the reclaim, its color, degree of refinement, and any other distinguishing characteristics.

SEC. 11. *Reports of ceiling prices determined by base period contract prices.* On or before September 6, 1951, you must file with the Director of Price Stabilization, Washington 25, D. C., a full description of each commodity or service for which your ceiling price is established under section 3 (b) or 4 (b) by reference to a base period contract price, giving the ceiling price for each such commodity or service, together with the quantity differentials and the terms with respect to allowance of freight which apply to such ceiling prices. Include in the description, for each grade of reclaimed rubber covered by your report, the kind of scrap rubber used, the specific gravity of the reclaim, its color, degree of refinement, and any other distinguishing characteristics.

SEC. 12. *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any reclaimed rubber, custom reclaiming, master batching or custom master batching business are or have been sold or otherwise transferred after November 14, 1950, and the transferee carries on the business, or sells such commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this regulation if no such transfer had taken place. The transferor shall either preserve and make available, or turn over, to the transferee all records required by section 9, and the records so turned over shall be preserved by the transferee for the remainder of the period specified in section 9.

SEC. 13. *Prohibitions.* (a) You shall not sell, and you shall not buy in the regular course of business or trade, any reclaimed rubber, custom reclaiming, master batching, or custom master batching at a price higher than the ceiling price established by this regulation, regardless of any contract, agreement, understanding or other obligation. You may, of course, sell or buy at prices lower than the ceiling prices established by this regulation.

(b) You shall not evade or circumvent the provisions of this regulation by any means or device, direct or indirect. This prohibition includes, but is not limited to, means or devices making use of any commission, service, premium, discount, privilege, trade understanding, cross sale, tie-in agreement, or delivery or transportation device or arrangement.

(c) You shall not offer, solicit, attempt, or agree to do any act prohibited by this section.

SEC. 14. *Deliveries under contracts entered into prior to July 30, 1951.* If before July 30, 1951, you entered into a contract for the sale of reclaimed rubber, custom reclaiming, master batching, or custom master batching for future delivery at a price in excess of the ceiling price established by this regulation, you may deliver under such contract at the contract price provided that you place the product to be delivered in transit to the purchaser on or before August 20, 1951. The provisions of this section do not apply to contracts for sale at the ceiling price in effect at the time of delivery or to contracts for sale at either a fixed price or the ceiling price in effect at the time of delivery, whichever is lower. You may not deliver under such contracts at a price higher than the ceiling price established by this regulation.

SEC. 15. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity or service covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 16. *Modification of ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time modify ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 17. *Petitions for amendment.* You may petition for amendment of this regulation in accordance with the provisions of Price Procedural Regulation I.

SEC. 18. *Penalties.* If you violate any of the provisions of this regulation you will be subject to the criminal penalties, civil enforcement actions, and suits on account of overcharges provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on August 6, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

TABLE I—CEILING PRICES FOR CERTAIN GRADES OF RECLAIMED RUBBER PER POUND—CARLOAD QUANTITY

	Reclaimers located in all other areas	Reclaimers located in California
Premium grade of specially selected whole tire reclaim (specific gravity under 1.20—plus or minus 2)	0.105	0.09¾
First line whole tire reclaim (specific gravity under 1.20—plus or minus 2)	.10	.09¼
Second line whole tire reclaim	.095	.08¾
Third line whole tire reclaim	.09¼	.085
Fourth line whole tire reclaim	.08¾	.08
Black carcass type reclaim	.14¼	.13¼
No. 1 grade light colored carcass reclaim (specific gravity 1.25 and under)[1]	.20¾	.17¾
No. 1 selected peel reclaim	.11¾	.11
No. 1 peel reclaim	.105	.09¾
Butyl tube reclaim	.145	.135
Special purpose natural rubber black tube reclaim	.21	.19¾
Natural rubber black tube reclaim	.20	.18¾
Natural rubber red tube reclaim	.24¼	.23¼
Natural rubber grey tube reclaim	.24¼	.23¼

[1] For your ceiling price for other grades of light colored carcass reclaim, see sec. 2 (b) of this regulation.

[F. R. Doc. 51-8935; Filed, July 31, 1951; 2:08 p. m.]

[Ceiling Price Regulation 59]

CPR 59—SCRAP RUBBER

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., as amended), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Scrap rubber is used in the manufacture of reclaimed rubber, which, together with natural and synthetic rubber, is a basic raw material in the production of rubber commodities. Scrap tires make up about 65 percent of the scrap rubber used by the domestic reclaiming mills, tire parts about 20 percent, scrap tubes 10 percent, and the balance consists of various miscellaneous kinds of scrap rubber. Scrap rubber is gathered by scrap collectors and purchased from them by wholesale scrap rubber dealers for resale to reclaimers or for resale to tire-splitters, who in turn sell tire parts to the reclaimers. Wholesale scrap rubber dealers also import scrap rubber and buy from collectors for resale in the export market.

What this regulation does. This regulation fixes dollar and cent ceiling prices for scrap tires, tire parts, and scrap tubes and sets ceiling prices for the remaining miscellaneous kinds of scrap rubber for each seller on the basis of the prices at which he contracted to sell between November 15 and December 31, 1950. The ceiling prices for scrap tires, tire parts, and scrap tubes apply to sales to wholesale scrap rubber dealers, sales to consumers, e. g., tire-splitters and reclaimers, export sales and sales for export. The ceiling prices for other kinds of scrap rubber apply to sales to consumers, export sales and sales for export. The ceiling prices established apply whether or not the scrap rubber is imported.

In accordance with the customary pricing pattern in the industry, the dollar and cent ceiling prices established by the regulation are based upon the delivered prices at the chief consuming centers. Price differentials between such consuming centers are established on the basis of customary differences in effect prior to June 25, 1950.

For sales of the major kinds of scrap rubber by a wholesale scrap rubber dealer to a consumer, delivered to the consumer's mill, a service fee not in excess of a specified ceiling service fee may be added to the dollar and cent ceiling prices otherwise applicable. Such service fees reflect the customary differentials between the prices which the wholesale scrap rubber dealer receives and the cost to the dealer.

While it has not been considered feasible at this time to establish uniform dollar and cent ceiling prices for the miscellaneous kinds of scrap rubber referred to above, provision is made for adjustment where the base period price of a particular seller which is established as his ceiling price is out of line with the ceiling prices of his competitors. Provision is also made for the establishment of a ceiling price for any miscellaneous kind of scrap rubber not dealt in during the base period or for any special type of scrap rubber for which the dollar and cent ceiling prices established in the regulation are found to be inappropriate.

A disparity has arisen since the spring of 1950 between prices of certain kinds of scrap rubber for domestic use and those for export sales, tending unduly to divert such scrap rubber from the domestic market. It is believed that the level of export ceiling prices established by this regulation as compared with that set for the domestic market will resolve this problem. Ceiling prices are established for sales for delivery at a port of exit at the same level as the ceiling prices for sales for delivery to domestic consuming mills. Ceiling prices for export sales similarly are established on the basis of the ceiling prices for delivery to domestic consuming mills plus the actual cost of transportation from the point of exit to the foreign point at which delivery is made. However, no service fee may be charged in export sales or sales for delivery at a port of exit.

This regulation establishes the same ceiling price for mixed tires, mixed passenger tires and mixed truck and bus tires. Truck and bus tires in general contain a higher percentage of natural rubber than passenger tires and as a result a differential has developed since the spring of 1950 between the price of truck and bus tires and mixed tires. By January 1951 this differential had reached $5.00 per ton. Reclaimers using mixed tires have in the past expected to receive at least 30 percent truck and bus tires in the mixture and their operations are based on this expectation. If truck and bus tires were permitted to sell at a premium, such tires would be sorted out from mixed tires; thus only passenger tires would remain. After consultation with industry representatives, a single price for the three categories of tires referred to has been adopted as a means of meeting this problem.

In order to avoid hardship on sellers of scrap rubber having contracts for future delivery in effect on the date of issue of this regulation, provision is made for the delivery for a limited time under such contracts, at the contract price, of scrap rubber which the seller has purchased before the date of issue at a cost higher than his ceiling price for the sale of such scrap rubber established by this regulation.

This regulation supersedes the General Ceiling Price Regulation with respect to all sales of scrap rubber within the United States, thus removing from price control sales of scrap rubber within the United States for which ceiling prices are not fixed by this regulation. In the case of the major kinds of scrap rubber, i. e., scrap tires, tire parts, and scrap tubes, dollar and cents ceiling prices are established, as stated above, for sales to wholesale scrap rubber dealers, sales to consumers, and sales in the export mar-

ket. The quantity involved in sales to other classes of purchasers will normally be small, as, for example, in the case of sales of scrap tires or tubes to scrap collectors. Such sales have been exempted in the interest of simplicity since it is believed that the prices for such sales will fall into line with prices, subject to control, in the major channels in which scrap rubber is sold. If experience should demonstrate the need for price control on additional types of sales, ceiling prices for such sales will, of course, be established.

In the case of the miscellaneous kinds of scrap rubber other than scrap tires, tire parts, and scrap tubes, all sales except sales to consumers and sales in the export market are exempt. For such miscellaneous kinds of scrap rubber, as stated above, the ceiling prices established by this regulation are determined by reference to selling prices during the base period November 15 to December 31, 1950, and application must be made for the establishment of a ceiling price where a particular seller does not have a base period selling price which he can use as his ceiling price. The difficulties involved in applying this method of price control at the scrap collector level for each of the miscellaneous kinds of scrap rubber outweigh the advantages which might be gained thereby. Consequently, ceiling prices for the miscellaneous kinds of scrap rubber are fixed only for sales to consumers and sales in the export market, thus exempting substantially all sales of such kinds of scrap rubber made by the scrap rubber collector. Dollar and cent ceiling prices for the miscellaneous kinds of scrap rubber may in the future be established on the basis of the ceiling prices for the miscellaneous kinds of scrap rubber which are reported in accordance with the regulation by wholesale scrap rubber dealers. Such additional dollar and cent ceiling prices as may be established will, of course, apply to sales to wholesale scrap rubber dealers as do the dollar and cent ceiling prices presently established by this regulation.

Price levels. In June 1950 the delivered price in Akron, Ohio, a principal reclaiming center, was $18.00 to $22.00 per ton for mixed scrap tires and $0.06 per pound for scrap black tubes. The ceiling prices for these items under the General Ceiling Price Regulation ranged from $32.00 to $35.00 per ton and from $0.145 to $0.16 per pound, respectively. The rise in price reflected an increased demand for all kinds of rubber hydro-carbons and increases in the prices of natural and synthetic rubber. GR–S synthetic rubber rose from $0.185 per pound in June 1950 to a present ceiling price of $0.245 per pound. Natural rubber No. 1 smoked sheets rose from $0.16 per pound in the spring of 1950 to a peak of about $0.90 per pound in the autumn of that year, and have been selling recently at a price of $0.66 per pound. Effective July 1, the General Services Administration put into effect a price of $0.52 per pound.

In determining the ceiling prices established by this regulation, consideration has been given to the factors involved in the increases in the prices of scrap rubber and of competitive rubber hydro-carbons summarized above. Consideration has also been given to the relationship of scrap rubber prices to the prices of other scrap materials, the effect of the prices of scrap rubber on the cost of living and the cost of the defense program, and the increased demand for scrap rubber to meet the estimated needs for reclaimed rubber. On the basis of these considerations, ceiling prices for scrap tires, tire parts, and scrap tubes reflect present prices and are established at a level representing a rollback below the ceiling prices established under the General Ceiling Price Regulation. Ceiling prices for other kinds of scrap rubber are established at the level prevailing during December 1950.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

The effect of this regulation upon business practices, cost practices, and means or aids to distribution in the industry has been considered. It is believed that no major changes in such practices or methods have been effected. To the extent that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

The specifications and standards employed in this regulation to describe the different kinds, classes, or types of material or service for which ceiling prices are established by the regulation have been in general use in the trades and industries affected. To the extent to which this regulation standardizes any materials or services, no practicable alternative to such standardization exists for securing effective price control with respect to such materials or services.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this regulation covers*—(a) *Sales to wholesale scrap rubber dealers and consumers.* This regulation establishes ceiling prices for scrap tires, tire parts, and scrap tubes when sold to a wholesale scrap rubber dealer or to a consumer, and ceiling prices for other kinds of scrap rubber when sold to a consumer.

(b) *Exports.* This regulation establishes ceiling prices for all export sales of scrap rubber and all sales of scrap rubber F. A. S. port of exit.

(c) *Imports and sales by importers.* The ceiling prices established by this regulation apply to imports and sales of scrap rubber by importers.

(d) *Geographical coverage.* This regulation applies to the forty-eight states of the United States and the District of Columbia.

(e) *Limitations on coverage of other regulations.* (1) On and after the effective date of this regulation, the General Ceiling Price Regulation shall not apply to scrap rubber in the forty-eight states of the United States and the District of Columbia.

(2) On and after the effective date of this regulation, Ceiling Price Regulation 31—Imports—shall not apply to scrap rubber.

(f) *Exempt transactions.* Neither this regulation, nor any other regulation of the Office of Price Stabilization, establishes a ceiling on the price at which scrap rubber may be sold for delivery within the United States in the following transactions:

(1) The sale of scrap tires, tire parts, and scrap tubes, if the person to whom such scrap rubber is sold is not a wholesale scrap rubber dealer or a consumer, and if the sale is not a sale for delivery F. A. S. port of exit.

(2) The sale of other kinds of scrap rubber, if the person to whom such scrap rubber is sold is not a consumer and if the sale is not a sale for delivery F. A. S. port of exit.

SEC. 2. *Ceiling prices for the kinds of scrap rubber listed in Tables I and II, when sold to a wholesale scrap rubber dealer or to a consumer.* If you sell scrap rubber of the kinds listed in Tables I and II to a wholesale scrap rubber dealer or to a consumer, your ceiling prices are established by either para-

graph (a), (b) or (c) of this section, whichever applies to the sale which you are making. If you are a wholesale scrap rubber dealer, you may adjust the ceiling price for each sale which you make to a consumer for delivery to a consuming mill by adding to your ceiling price for such sale as determined under paragraph (a) or (b) of this section the ceiling service fee listed in Table III for the consuming center nearest such consuming mill or in which such mill is located.

(a) *Ceiling prices—delivered to a consuming mill located in a chief consuming center.* If you deliver the scrap rubber to a consuming mill located in a consuming center listed in Tables I and II, your ceiling prices are the prices listed in those tables for that consuming center.

(b) *Ceiling prices—delivered to a consuming mill not located in a chief consuming center.* If you deliver the scrap rubber to a consuming mill not located in a consuming center listed in Tables I and II, your ceiling prices are the prices listed in those tables for the consuming center nearest the consuming mill.

(c) *Ceiling prices where delivery is not made to a consuming mill.* If you do not deliver the scrap rubber to a consuming mill, your ceiling price is determined by subparagraph (1) or (2) below, whichever results in a higher ceiling price.

(1) Your ceiling price is the ceiling price for the sale of scrap rubber of the same kind delivered to a consuming mill as determined under paragraph (a) or (b) of this section for such consuming mill as you elect to use as a basing point, less the lowest applicable charges for transportation to such consuming mill from the place at which you make delivery, or

(2) Your ceiling price is the ceiling price for the sale of scrap rubber of the same kind delivered F. A. S. port of exit as determined under section 4 (a) (1) for such port of exit as you elect to use as a basing point, less the lowest applicable charges for transportation to such port of exit from the place at which you make delivery. You may use as your basing point only a port of exit from which scrap rubber is customarily exported or a port of exit to which the person to whom you are selling states in writing that he proposes to ship such scrap rubber. You must keep such written statements available for inspection for a period of two years.

SEC. 3. *Ceiling prices for kinds of scrap rubber not listed in Tables I and II, when sold to a consumer.* (a) Your ceiling price for the sale to a consumer, delivered to the consumer's mill, of scrap rubber of any kind not listed in Table I or II is the highest price at which you contracted in writing in the base period from November 15, 1950, to December 31, 1950, inclusive, to sell scrap rubber of the same kind to any consumer, delivered to the consumer's mill.

(b) For sales to a consumer in which you do not deliver to the consumer's mill, your ceiling price is the ceiling price for scrap rubber of the same kind determined under paragraph (a), less the lowest applicable charge for transportation to the consumer's mill from the place at which you make delivery.

(c) Before you may contract to sell to a consumer scrap rubber of a kind in which you did not deal during the base period, you must apply in writing, to the Director of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, for the establishment of a ceiling price, setting forth the information required in paragraph (e) of this section. You must also file an application under this section as required by paragraph (b) (3) of section 4.

(d) If you believe that any of your ceiling prices established by paragraph (a) or (b) of this section is out of line with the level of ceiling prices established by this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, for adjustment of your ceiling price, setting forth the information required by paragraph (e) of this section.

(e) An application under paragraph (c) or (d) of this section must contain the following information:

(1) Your name and address.

(2) A full description of the kind of scrap rubber covered by the application.

(3) Your proposed ceiling price. Indicate whether your proposed ceiling price covers delivery to the consuming mill.

(4) State the basis on which you determined your proposed ceiling price and the reasons why you believe it is in line with the level of prices established by paragraph (a).

(f) In acting on an application filed under paragraph (c) or (d) of this section, the Director of Price Stabilization may require you to supply any pertinent information not contained in your application; if in his judgment your proposed ceiling price is out of line with the level of ceiling prices established by paragraph (a) of this section, he will disapprove such proposed ceiling price and, simultaneously or subsequently, establish a different amount as your ceiling price. After you have mailed your application and have received a return receipt, you may contract to sell at a price not higher than the price which shall be established as your ceiling price. Unless you are notified to the contrary by the Director of Price Stabilization, you may deliver under such contract while your application is pending. You may not, however, accept payment until the Director of Price Stabilization has approved your proposed ceiling price or has established a different price as your ceiling price, provided that if 20 days have elapsed since the date on which your application was filed, as shown by your return receipt, and within that period you have not received from the Director of Price Stabilization a request for further information or a notification of the disapproval of your proposed ceiling price, that price is established as your ceiling price and you may thereafter accept payment at a price not higher than such ceiling price until such time as the Director of Price Stabilization designates a different price as your ceiling price. Where you have applied under paragraph (d) for an adjustment of an existing ceiling price, you may, of course, accept payment at price not in excess of your existing ceiling price while your application for an adjustment of that price is pending.

SEC. 4. *Ceiling prices for export sales of scrap rubber and for sales of scrap rubber delivered F. A. S. port of exit.* Your ceiling prices for export sales and sales for delivery F. A. S. port of exit are determined under paragraph (a) for kinds of scrap rubber listed in Tables I and II and are determined under paragraph (b) for other kinds of scrap rubber. You may increase a ceiling price determined under this section by the amount of any allowance for special export packing permitted by section 6 (c).

(a) *Kinds of scrap rubber listed in Tables I and II—(1) Ceiling prices—delivered F. A. S. port of exit.* Your ceiling prices for the sale, for delivery F. A. S. port of exit, of scrap rubber of the kinds listed in Tables I and II are the prices listed in those tables which, as provided by paragraphs (a) and (b) of section 2, apply to sales for delivery to the consuming mill nearest the port of exit. No service fee may be added to such ceiling prices.

(2) *Ceiling prices for export sales.* Your ceiling prices for export sales of scrap rubber of the kinds listed in Tables I and II are the prices listed in those tables which, as provided by paragraphs (a) and (b) of section 2, apply to sales for delivery to the consuming mill nearest the port or other point of exit, plus the costs actually incurred by you in making delivery at the foreign point from the port or other point of exit. No service fee may be added to such ceiling prices.

(b) *Kinds of scrap rubber not listed in Tables I and II—(1) Ceiling prices—delivered F. A. S. port of exit.* Your ceiling price for the sale, for delivery F. A. S. port of exit, of scrap rubber of a kind not listed in Table I or II is the same as your ceiling price determined under section 3 for the sale of scrap rubber of the same kind to a consumer for delivery to the consumer's mill.

(2) *Ceiling prices for export sales.* Your ceiling price for the export sale of scrap rubber of a kind not listed in Table I or II is the same as your ceiling price determined under section 3 for the sale of scrap rubber of the same kind to a consumer for delivery to the consumer's mill, plus the costs actually incurred by you in making delivery at the foreign point from the port or other point of exit.

(3) *Determination of ceiling price for a kind of scrap rubber not dealt in during the base period.* If you propose to export, or sell delivered F. A. S. port of exit, scrap rubber of a kind not listed in Table I or II and you have not determined a ceiling price under Section 3 for the sale of such scrap rubber to a consumer for delivery to the consumer's mill, you must file an application under paragraph (c) of section 3 for the establishment of such ceiling price before you may enter into the sale which you propose to make. After filing such appli-

cation you must comply with the provisions of paragraph (f) of section 3.

SEC. 5. *Scrap rubber not meeting standard grade specifications.* (a) The ceiling prices established above for the kinds of scrap rubber listed in Tables I and II apply to sales of scrap of standard grade or quality or higher. The specifications set forth in the footnotes to Tables I and II define the standard grade or quality of each kind of scrap rubber listed in those tables. In addition, each kind, to be of standard grade or quality, must be free from foreign materials, including mud, stones, and cinders and may not contain more than 2½ percent moisture. The presence of one of the objectionable features specified in the preceding sentence or in the specifications in Tables I or II applicable to the kinds of scrap rubber sold shall be deemed to lower the quality of such scrap rubber. The ceiling price of scrap rubber of a quality lower than standard grade shall be less than the ceiling price for standard grade by an amount commensurate with the difference in quality involved in accordance with practice in the trade.

The ceiling price of scrap tubes shall be decreased by ½ cent per pound where such tubes contain valves, black rubber valve cots, or valve bases which are objectionable under the applicable specifications set forth in the footnotes to Table II.

(b) The ceiling prices of scrap rubber of a kind not listed in Table I or II which is of a quality below that established by trade practice as the standard grade of that kind of scrap rubber shall be less than the ceiling price for the standard grade by an amount commensurate with the difference in quality involved in accordance with practice in the trade.

SEC. 6. *Sorting, packing, and weight standards.* (a) The ceiling prices established above are ceiling prices for scrap rubber that is packed as follows:

(1) Tires and beadless tires may be shipped bundled or loose in cars.

(2) All other kinds of scrap rubber shall be packed in bags, bales, or bundles with each kind packed separately, properly segregated in the car or truck, and clearly labeled. Each bale or bundle shall weigh not less than 500 pounds nor more than 1,500 pounds and shall be well and securely bound. Bales which fall apart during shipment or unloading shall be considered as having been shipped loose.

(b) The ceiling price for a mixture of different kinds of scrap rubber shall be the ceiling price for the kind having the lowest ceiling price. In addition, in the case of bags or bales which must be opened and sorted, and in the case of scrap rubber not packed in accordance with the provisions of paragraph (a), the ceiling price shall be decreased by ½ cent per pound.

(c) If the scrap rubber which you sell is specially packed by you at the request of the buyer to meet export requirements and the cost of such packing exceeds the cost of packing to meet the standards of paragraph (a) of this section, your ceiling price may be increased by the amount of the extra packing cost incurred by you.

(d) All scrap rubber shall be paid for on the basis of the net weight determined at the buyer's plant or the net weight shown by a sworn weigher's certificate secured by and at the expense of the seller, a copy of which shall be supplied to the buyer. Bags, coverings, or containers shall not be included in the net weight nor shall the buyer be under obligation to return them to the seller.

SEC. 7. *Special types of scrap rubber.* If you wish to apply for a ceiling price higher than that otherwise established by this regulation for scrap rubber which is of a kind listed in Table I or II but which is specially sorted or otherwise of a special type, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, for the establishment of a ceiling price. You may file such an application whether you propose to buy or sell such scrap rubber. Your application must set forth the following information:

(a) Your name and address, and whether you propose to sell or purchase such scrap rubber.

(b) The names and addresses of the persons to whom you propose to sell or from whom you propose to buy.

(c) A full description of the type scrap rubber covered by your application and the use to be made of it by you or the persons purchasing from you.

(d) The quantity of such scrap rubber which you propose to sell or buy and the period of time during which you wish your proposed ceiling price to remain in effect.

(e) Your proposed ceiling price.

(f) The places of delivery to which your proposed ceiling price applies. Indicate whether your proposed ceiling price covers delivery to the consuming mill.

(g) In the case of specially sorted scrap rubber, the extra cost per pound of sorting and handling above the cost of sorting and packing to meet the requirements of paragraph (a) of section 6. If the actual cost is not available and the estimated cost is given, indicate this fact.

(h) State the basis on which you determined your proposed ceiling price and the reasons why you believe your proposal should be approved.

In acting on an application filed under this section, the Director of Price Stabilization may require you to supply any pertinent information not contained in your application; if in his judgment your proposed ceiling price is not fair and equitable or will not effectuate the purposes of Title IV of the Defense Production Act of 1950 he will disapprove such proposed ceiling price and, simultaneously or subsequently, establish a different amount as your ceiling price. After you have mailed an application under this section, and have received a return receipt, you may contract to sell or to buy at a price not higher than the price which shall be established as your ceiling price. Unless you are notified to the contrary by the Director of Price Stabilization, you may deliver or accept delivery under such contract while your application is pending. However, you may not accept or make payment at a price in excess of the ceiling price established by section 2 or 4, whichever is applicable, until the Director of Price Stabilization has approved your proposed ceiling price or has established a different price as your ceiling price, provided that if 20 days have elapsed since the date on which your application was filed, as shown by your return receipt, and within that period you have not received from the Director of Price Stabilization a request for further information or a notification of the disapproval of your proposed ceiling price, that price is established as your ceiling price and you may thereafter accept or make payment at a price not higher than such ceiling price until such time as the Director of Price Stabilization designates a different price as your ceiling price.

SEC. 8. *Records*—(a) *Records of sales and purchases on and after August 6, 1951.* (1) You must keep accurate records of each sale to a consumer, each sale for delivery F. A. S. port of exit, and each export sale of scrap rubber of any kind which you make on and after August 6, 1951.

(2) If you are a wholesale scrap rubber dealer, you must keep accurate records of each purchase or sale of scrap rubber which you make on or after August 6, 1951.

(3) If you are a consumer, you must keep accurate records of each purchase of scrap rubber which you make on or after August 6, 1951.

(4) Such records must be preserved for two years.

(b) *Base period records.* You must preserve during the life of the Defense Production Act of 1950, and for two years thereafter, all records in your possession relating to the prices at which, between November 15 and December 31, 1950, inclusive, you contracted to sell to a consumer scrap rubber of a kind not listed in Tables I and II. If you are a consumer you must preserve all records in your possession relating to the prices at which, between November 15 and December 31, 1950, inclusive, you contracted to buy scrap rubber of a kind not listed in Tables I and II.

(c) *General provisions as to record keeping.* The records required in (a) and (b) above are records showing the date of the contract of sale and the date of delivery, the name and address of the person to whom you sold or from whom you bought, the quantity of each kind of scrap rubber sold or purchased, the price and the place of delivery. Such records shall be available for inspection by the Director of Price Stabilization.

(d) *Preservation of records kept under the General Ceiling Price Regulation.* The provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect with respect to scrap rubber insofar as they apply to the preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.

SEC. 9. *Reports of ceiling prices for kinds of scrap rubber not listed in Tables.*

I and II. If between November 15 and December 31, 1950, inclusive, you sold to a consumer scrap rubber of a kind not listed in Table I and II, you must file with the Director of Price Stabilization, Washington 25, D. C., on or before September 6, 1951, a list giving a full description of each such kind of scrap rubber and stating your ceiling prices established by paragraph (a) of section 3 for such scrap rubber. With respect to each such ceiling price, indicate the quantity sold under the base period contract used to establish such ceiling price and the place to which such scrap rubber was delivered.

SEC. 10. *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any scrap rubber business are sold or otherwise transferred after the effective date of this regulation and the transferee carries on the business, or sells scrap rubber, in an establishment separate from any other establishment previously owned or operated by him, the ceiling price of the transferee for the sale to consumers of kinds of scrap rubber not listed in Tables I and II shall be the same as those to which his transferor would have been subject if no such transfer had taken place. The transferor shall either preserve and make available, or turn over, to the transferee all records which the transferor has preserved in accordance with section 8 and records so turned over shall be preserved by the transferee for the remainder of the period specified in section 8.

SEC. 11. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell scrap rubber at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 12. *Modification of ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time modify ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 13. *Petitions for amendment.* You may petition for amendment of this regulation in accordance with the provisions of Price Procedural Regulation 1.

SEC. 14. *Deliveries under contracts entered into prior to July 30, 1951.* If before July 30, 1951, you entered into a contract for the future delivery of scrap rubber at a price higher than the ceiling price established by this regulation for such sale, you may deliver scrap rubber under such contract at the contract price, provided that (a) the scrap rubber which you deliver under such contract was purchased by you before July 30, 1951, (b) the cost of such scrap rubber to you, including any charges for its transportation incurred by you, exceeds your ceiling price for the sale of such scrap rubber established by this regulation, and

(c) Such scrap rubber either:

(1) Was in transit to the person repurchasing from you on August 6, 1951,

(2) Had been delivered to you prior to August 6, 1951, and is delivered to or placed in transit to the person repurchasing from you on or before August 13, 1951, or

(3) Is delivered to you pursuant to this section and is immediately placed in transit to the person repurchasing from you.

The provisions of this section do not apply to contracts for sale at the ceiling price in effect at the time of delivery or to contracts for sale at either a fixed price or the ceiling price in effect at the time of delivery, whichever is lower. Delivery under such contracts may not be made at a price higher than the ceiling price established by this regulation.

SEC. 15. *Definitions.*

"Chief consuming center" means a consuming center, i. e., a municipality, listed in Tables I and II.

"Consumer" means any person consuming scrap rubber in the production of reclaimed rubber, or of any other product, and includes any person who splits scrap rubber tires into their component parts. The term consumer includes a consumer buying scrap rubber within the United States for foreign consumption.

"Consuming mill" means a mill, plant, or other regular place of business in which a consumer uses scrap rubber.

"Director of Price Stabilization." This term extends to any official to whom the Director of Price Stabilization by order has delegated a function, power or authority referred to in the provision of this regulation under which such official is acting.

"Export sale" means a sale for delivery at a point outside the United States of scrap rubber which, before or after the sale takes place, the seller transports or causes to be transported from a point within the United States to a foreign point. Export means to make an export sale.

"Import" means a sale, for delivery at a point within the United States, of scrap rubber which, before or after the sale takes place, the seller transports or causes to be transported from a foreign point to a point within the United States.

"Lowest applicable charges for transportation" means the lowest applicable published charges for transportation by rail, water, or truck carrier, or, if no such charges are published, the direct costs actually involved in such transportation.

"Person" includes any individual, corporation, partnership, association, any other organized group of persons, a legal successor or representative of any of the foregoing, the United States, any other government, and any political subdivision or agency of the United States or any other government.

"Purchase:" See the definition of "sell".

"Rubber" means all types and forms of natural and synthetic rubber.

"Scrap rubber" includes any waste or discarded rubber article or material usable for the production of reclaimed rubber or in the manufacture of any product. Scrap rubber does not include rubber articles or materials which are acquired for the purpose of repairing or reconditioning them, or of reselling them to be repaired or reconditioned, to make them usable for their original purpose, provided that, if such articles or materials are sold mixed with scrap rubber, they shall be considered to be scrap rubber unless they are segregated from the scrap, and provided further that scrap rubber includes the following commodities regardless of the purpose for which they are acquired, and regardless of any repairs or reconditioning treatment given them:

(a) Tubes which have been damaged to the extent that they cannot be repaired so as to qualify as a sound tube.

(b) Tires which have been slashed or otherwise mutilated by the manufacturer or brand owner prior to delivery by him to any person.

(c) Tires which the manufacturer has found defective and which he has removed from production before completion.

(d) Tires having badly buckled plies due to creased airbags, plies omitted, plies trimmed at bead toe due to excessive pinch at bead, beads two-thirds or less of the intended width, broken wires, more than one ply of tire soft or spongy, open cords due to leaky airbags, or other such defects which render the tire unfit for use on the wheel of a vehicle.

(e) Tires having any one of the following injuries or wear conditions:

(1) Having outside bulges.

(2) Having exposed bead wires.

(3) Having breaks in the bead reinforcement.

(4) Having damaged, broken, or cut bead wires.

(5) Having loosened cords or ply on inside of casing or ply separated.

(6) Having more than three radial cracks extending through the rubber into the cords.

(7) Having blow-outs, cuts, or injuries greater in length than one-half the tire cross-sectional diameter.

(8) Having a cord body worn through more than one-half of the total number of plies or otherwise worn to such an extent that they cannot be effectively repaired for safe use under normal operating conditions.

(9) Having or requiring more than three sectional and/or reinforcement repairs.

(10) Having sectional or reinforcement repairs of breaks, cuts, or cracks which before repairing were longer than one-half the cross-sectional diameter of the tire.

(11) Hard, inflexible (aged or excessively weathered), water soaked, or dry rotted.

"Sell" means to sell, barter, exchange, transfer, or deliver, or to contract to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

"Ton" means a short ton of 2,000 pounds.

"United States" means the forty-eight States of the United States and the District of Columbia.

"Wholesale scrap rubber dealer" means a person who buys scrap rubber for resale to a consumer or to an exporter or for export and who is generally recog-

nized in the trade as a wholesale scrap rubber dealer as distinguished from a scrap collector.

"You" means any person; "Your" is to be construed accordingly.

SEC. 16. *Prohibitions.* (a) You shall not sell, and you shall not buy in the regular course of business or trade, any scrap rubber at a price higher than the ceiling price established by this regulation, regardless of any contract, agreement, understanding or other obligation. You may, of course, sell or buy at prices lower than the ceiling prices established by this regulation.

(b) You shall not evade or circumvent the provisions of this regulation by any means or device, direct or indirect. This prohibition includes, but is not limited to, means or devices making use of any commission, service, premium, discount, privilege, trade understanding, cross sale, tie-in agreement, or delivery or transportation device or arrangement.

(c) You shall not offer, solicit, attempt, or agree to do any act prohibited by this section.

SEC. 17. *Penalties.* If you violate any of the provisions of this regulation you will be subject to the criminal penalties, civil enforcement actions, and suits on account of overcharges provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on August 6, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

TABLE I—TIRES

[Ceiling delivered prices for chief consuming centers (per ten)]

	Akron, Ohio; Buffalo N. Y.	Naugatuck, Conn.; Butler, N. J.	East St. Louis Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Mixed tires [1]	$26.00	$24.25	$23.75	$23.00	$21.50	$14.75
Mixed passenger tires [1]	26.00	24.25	23.75	23.00	21.50	14.75
Mixed truck and bus tires [1]	26.00	24.25	23.75	23.00	21.50	14.75
Mixed beadless tires [2]	34.00	32.00	31.00	30.25	28.25	20.00
Mixed beadless passenger tires [2]	34.00	32.00	31.00	30.25	28.25	20.00
Mixed beadless truck and bus tires [2]	34.00	32.00	31.00	30.25	28.25	20.00

[1] Mixed tires, mixed passenger tires, and mixed truck and bus tires: Consist of whole pneumatic tire casings and shall be free from tire sections, hard, oxidized, burnt, filled, non-pneumatic, single tube, and motorcycle tires, and from leather, metal, and rubber compounded with Thiokol. Recapped tires are not considered good delivery except against mixed natural and synthetic tire orders. Mixed passenger tires are tires having six plies or less. Mixed truck and bus tires are tires having seven plies or more; earthmover, tractor and airplane tires are not acceptable unless it is so specified in the purchase contract. Mixed tires are a mixture of mixed passenger and mixed truck and bus tires.

[2] Mixed beadless tires, mixed beadless passenger tires, and mixed beadless truck and bus tires: Consist of mixed tires, mixed passenger tires, and mixed truck and bus tires, respectively, from which the beads have been removed, but which otherwise conform to the definition of the corresponding classification of tires. Any of the three kinds of beadless tires may be specified as dykes, which means that two or more plies of fabric have been removed but otherwise the specifications are the same.

TABLE II—TIRE PARTS AND TUBES CEILING DELIVERED PRICES FOR CHIEF CONSUMING CENTERS

	All consuming centers listed in table I except Los Angeles, Calif.	Los Angeles, Calif.
Tire parts [1] (per ton)		
Light colored carcass	$130.00	$97.50
Black carcass	50.00	33.50
No. 1 peelings	65.00	52.75
No. 2 peelings	42.00	31.00
No. 3 peelings	38.00	27.00
Buffings	30.00	23.00
Truck and bus S. A. G.	28.00	17.50
Passenger S. A. G.	28.00	17.50
Mixed S. A. G.	26.00	17.25
Tubes [2] (per pound)		
Light colored tubes	.16	.15
Natural rubber red tubes	.16	.15
Natural rubber black tubes	.115	.105
Mixed natural rubber tubes	.10	.09
Butyl rubber tubes	.057	.05
GR-S synthetic rubber tubes	.02	.01
Mixed synthetic tubes	.03	.02

[1] Tire parts: Consist of parts resulting from the splitting or processing of scrap tires. They shall be free from metal, leather, and hard, burnt, or oxidized material and free from Thiokol. In the case of each kind of peelings, the peelings from passenger tires and the peelings from truck and bus tires shall be packed separately. Mixtures of peelings from these two types of tires are not acceptable unless it is so specified in the purchase contract.

(a) *Light colored carcass and black carcass.* Carcass consists of pieces of mixed tires, mixed passenger tires, or mixed truck and bus tires, containing no tread, sidewall, bead, or cushion rubber. Light colored carcass consists of natural rubber carcass of such light colors as white, pink, gray, pure gum and light brown, free of all black edges and dark colored rubber. Black carcass consists of all black carcass; natural and synthetic rubber carcass shall be packed separately—mixtures are not acceptable unless so specified in the purchase contract.

(b) *No 1 peelings.* Consist of treads stripped from passenger and truck and bus tires, and shall be free of fabric.

(c) *No. 2 peelings.* These peelings are the same as No. 1 peelings except that they may contain cushion rubber, breaker fabric, and sidewalls, and not more than one full ply of carcass fabric.

(d) *No. 3 peelings (Baldhead).* These peelings are the same as No. 2 peelings except that a part of the thread has been removed.

(e) *Buffings.* Consist of the rubber scraped from the tread portion of a tire in the process of preparing it for recapping, and shall be free of all extraneous materials.

(f) *Passenger S. A. G., truck and bus S. A. G., and mixed S. A. G.* Consist of pieces of mixed passenger tires, mixed truck and bus tires, and mixed tires, respectively, from which the treads and beads have been removed and may or may not contain sidewall rubber or beads from which the wire has been removed.

[2] Tubes: Consist of inner tubes from pneumatic tires, free from crusty and oxidized tubes, puncture proof and puncture seal tubes, metal, and punchings. Sections of tube less than 12 inches long are not good delivery. All tubes except mixed natural rubber tubes and mixed synthetic rubber tubes shall be free from metal valves. Light colored tubes and natural rubber red tubes shall be free from black rubber valve cots and the bases of such valves.

(a) *Light colored tubes.* Consist of natural rubber tubes specially selected as to color by agreement between the buyer and the seller.

(b) *Natural rubber red tubes.* Shall be strictly red natural rubber tubes, passenger, truck and bus, or a mixture of the two.

(c) *Natural rubber black tubes.* Shall be strictly black natural rubber compounded tubes, passenger, truck and bus, or a mixture of the two.

(d) *Mixed natural rubber tubes.* Consist of a mixture of natural rubber tubes of various sizes, colors, and qualities and may contain valves unless otherwise specified in the purchase contract.

(e) *Butyl rubber tubes.* Consist solely of Butyl rubber tubes.

(f) *GR-S synthetic rubber tubes.* Consist solely of GR-S synthetic rubber tubes, and shall be free from Butyl rubber tubes.

(g) *Mixed synthetic rubber tubes.* Consist of a mixture of GR-S synthetic rubber tubes and Butyl rubber tubes of various sizes, colors, and qualities and may contain valves unless otherwise specified in the purchase contract.

TABLE III—SERVICE FEES ON SALES BY WHOLESALE SCRAP RUBBER DEALERS TO CONSUMERS DELIVERED TO CONSUMING MILL (PER TON)

	All consuming centers listed in Table I except Los Angeles, Calif.	Los Angeles, Calif.
All tires and beadless tires	$1.50	$1.00
Light colored carcass	6.50	5.00
Black carcass	2.50	1.75
No. 1 peelings	3.25	2.75
No. 2 peelings	2.25	1.50
No. 3 peelings	2.00	1.25
Buffings	1.50	1.25
Truck and bus S. A. G.	1.50	1.00
Passenger S. A. G.	1.50	1.00
Mixed S. A. G.	1.50	1.00
Light colored tubes	16.00	15.00
Natural rubber red tubes	16.00	15.00
Natural rubber black tubes	10.00	9.00
Mixed natural rubber tubes	10.00	9.00
Butyl rubber tubes	5.50	5.00
GR-S synthetic rubber tubes	2.00	1.00
Mixed synthetic tubes	3.00	2.00

[F. R. Doc. 51-8936; Filed, July 31, 1951; 2:10 p. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency [GWR 12, Reg. 1]

[Regulation 1]

REG. 1—CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), and General Wage Regulation 12 (16 F. R. 6640), this Construction Industry Stabilization Commission Regulation No. 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Construction Industry Stabilization Commission was established by General Wage Regulation 12 of the Wage Stabilization Board to administer the Board's wage stabilization functions in the building and construction industry. The following regulation, issued by the Commission, carries out the mandate of the Board to stabilize wages on the basis of area rates, so far as practicable. It permits employers in the building and construction industry to pay mechanics and laborers employed directly on the site of the construction project at certain preapproved rates: The Davis-Bacon rate if the project is federally financed; the rates authorized by the Commission for specific job classifications in specific areas through publication in the Federal Register; or the rates legally paid on the effective date of this regulation. Applications for adjustment in rates in areas where rates are customarily fixed by collective bargaining may be filed by the parties engaged in collective bargaining, and in other areas, applications may be filed by the party who normally sets the rate unilaterally.

In accordance with General Wage Regulation 12 this regulation establishes the wage stabilization policy for the building and construction industry on the basis of area rates primarily. The policy of the Board's general wage regulations will serve as a basic guide to the Commission in the formulation of its decisions, but the automatic application of these regulations to the building and construction industry is inappropriate for the reasons set out in the Statement of Considerations to GWR 12. Pending the promulgation of policies and regulations specifically designed for this industry, General Wage Regulations 5, 6, 8, 9, 10 and 13 will not be applicable.

Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950. This regulation is issued by a tripartite Commission which has consulted representatives of labor and industry, including trade association representatives. In the judgment of the Commission, this regulation is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Inapplicability of General Wage Regulations.
3. General rule covering wage and salary payments.
4. Preapproved wage and salary payments.
5. Rates in excess of area rate.
6. Applications for approval.
7. Notice to interested parties.
8. Standards of approval.
9. Decisions.

AUTHORITY: Sections 1 through 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, 16 F. R. 3503.

SECTION 1. *Definitions.* Where used in this regulation:

(a) "Wages, salaries and other compensation" shall have the meaning defined by Section 702 (e) of the Defense Production Act and Wage Stabilization Board General Regulation No. 1.

(b) "Mechanics and laborers," "building and construction industry," "site of work," "project" and "area" shall have the meanings defined by Wage Stabilization Board General Wage Regulation No. 12.

(c) "Commission" means the Construction Industry Stabilization Commission established by Wage Stabilization Board General Wage Regulation No. 12.

(d) "Board" means the Wage Stabilization Board.

(e) "Authorized rate" means the rate for a particular job classification on a particular type of construction in a particular area which rate is preapproved by this regulation or is specifically approved by the Commission.

(f) "Approved rate" means a rate approved by action of the Commission in a specific case.

SEC. 2. *Inapplicability of General Wage Regulations.* In General Wage Regulation 12 the Board stated: "The special characteristics of the industry make many of the Board's present regulations, intended for general applicability to industrial employment relations, technically unsuited to the building and construction industry." The Commission shall submit to the Board for its approval adaptations of the existing general wage regulations to the building and construction industry as defined by General Wage Regulation 12. Pending the issuance of such policies and regulations designed for this industry, General Wage Regulations 5, 6, 8, 9, 10 and 13 shall not apply to employers and employees in the building and construction industry subject to the jurisdiction of the Commission. General wage regulations hereafter issued by the Board shall not apply to employers and employees in the building and construction industry subject to the jurisdiction of the Commission unless expressly provided therein.

SEC. 3. *General rule covering wage and salary payments.* Except as provided in section 4 of this regulation, no wages, salaries or other compensation may be paid to or received by mechanics and laborers in the building and construction industry employed directly on the site of the work in excess of the payments preapproved by this regulation or specifically approved by the Commission in accordance with this regulation. The payment or receipt of wages, salaries or other compensation not so authorized constitutes a violation of the Defense Production Act and subjects any party to such violation to the sanctions prescribed by that act and by the Executive Orders and regulations issued thereunder.

SEC. 4. *Preapproved wage and salary payments.* Without securing further approval of the Commission or Board, an employer may make the wage and salary payments preapproved by this section.

(a) *Rates predetermined by Secretary of Labor.* Any employer engaged in the performance of a federal government project pursuant to contract with any federal government agency or of any other project for which the Secretary of Labor has predetermined wage rates, may without further approval, pay for work performed in connection with such projects the wages or salaries which have been specified as applicable by the Secretary of Labor pursuant to the Davis-Bacon Act, the National Housing Act, the Hospital Survey and Construction Act, the Federal Airport Act, the Housing Act of 1949, or the School Survey and Construction Act of 1950.

(b) *Approved area rates.* Any employer may pay to a mechanic or laborer in the building and construction industry employed directly on the site of the work the approved area rate for his job classification as defined in subparagraph (1) of this paragraph: *Provided,* That a contractor who has increased his rate to the applicable area rate after customarily paying, subsequent to the effective date of this regulation, rates below the then prevailing area rates and who has thereafter reduced his rate below the area rate may not again increase his rate without the approval of the Commission.

(1) The approved area rate is the rate approved by the Commission, designated as such, and published in the Federal Register as the rate approved for, and applicable to, mechanics and laborers performing the work of the specific job classification on the specific type of construction in the area for which such rate is approved.

(2) An employer who pays an approved area rate or a rate preapproved under paragraph (c) of this section may continue to pay such rate notwithstanding any adjustment subsequently made by the Commission in the area rate, or an employer may adjust the rate he pays to conform with any adjustment made by the Commission in the area rate.

(c) *Rates in the absence of approved area rates.* (1) In the absence of an area rate approved and published under paragraph (b) of this section, any employer may pay to a mechanic or laborer in the building and construction industry, employed directly on the site of the work, an amount not in excess of the rate for the appropriate job classification and type of construction which was actually paid on the effective date of this regulation, without violation of the wage stabilization regulations then in force, under the terms of the local collective bargaining agreement negotiated by the customary parties in accordance with the customary practice in the area.

(2) In the absence of an area rate, approved and published under the procedure in paragraph (b) of this section, and where there is no established collective local bargaining agreement negotiated as described in subparagraph (1) of this paragraph, any employer may pay to a mechanic or laborer in the building and construction industry, employed directly on the site of the work, an amount not in excess of the rate for the appropriate job classification and type of construction, which was actually prevailing on the effective date of this regulation, without violation of wage stabilization regulations then in force, in the geographical area in which is located the project on which the mechanic or laborer is employed.

(3) Where no area rate has been approved for a job classification in a particular type of construction, any interested party may, in accordance with section 6, of this regulation, file a petition requesting the designation and publication of such a rate.

(d) *Travel.* Whenever an employee who has been required to report at the employer's shop or at any other particular site is required later, during the course of the same working day, to travel to a different working site, an employer may, without further approval, pay him for actual travel time at the authorized rate, and for actual travel expense.

(e) *Established premium payment practice.* An employer may pay travel expenses incurred by employees; or for actual travel time at the authorized rate; or subsistence; or premium compensation for work outside the regularly constituted workday or workweek;

or vacations and holiday payments; or contributions to welfare benefits, insurance, pension funds or annuities only if (1) a practice of making payments of the same kind and at the same rate was established without violation of wage stabilization regulations prior to the effective date of this regulation as an area practice in the particular area where such employer is operating, as demonstrated by definite evidence, or (2) such practice has been specifically approved by the Commission as an area practice for the particular area where such employer is operating, or (3) such employer has personally established such practice without violation of wage stabilization regulations prior to the effective date of this regulation in the same area as demonstrated by definite evidence, or has subsequently obtained specific approval of the Commission therefor.

SEC. 5. *Rates in excess of the area rate.* A contractor whose established rates on the effective date of this regulation for mechanics or laborers in the building and construction industry employed directly on the site of a project were greater than the rates preapproved by this regulation but did not violate the stabilization regulations then in force, may continue to pay such rates on such project until completion of the project or until the expiration of the construction contract under which the work was being done, whichever comes first. Upon completion of the project or expiration of the construction contract no rate in excess of the area rate may be paid.

SEC. 6. *Applications for approval*—(a) *Filing; area rates.* An application for the establishment or revision of an area rate or rates may be filed with the Construction Industry Stabilization Commission, U. S. Department of Labor, Washington, D. C., by any interested party according to whichever of the following methods may be appropriate:

(1) Where the customary practice in an area is to fix the applicable rate by collective bargaining, an application may be filed jointly by the international union (or Building and Construction Trades Department, AFL) and the contractors or association of contractors, who engage in such bargaining. The Commission will not act upon an application filed by a person who customarily takes part in collective bargaining unless it has also been signed by a representative group of persons who, according to established practice, participate in the area bargaining, or by their authorized representative, or unless an explantation of their failure to sign is included.

(2) In areas in which it is the established practice for a union to set a rate without collective bargaining, an application may be filed by the appropriate international union.

(3) A contractor or group of contractors whose practice is to establish rates without collective bargaining may file an individual application.

(b) *Filing; other rates:* An application for approval of rates for a particular employer or project may be filed:

(1) Jointly by the international union (or the Building and Construction Trades Department, AFL) and a contractor or group of contractors, where such rates are customarily fixed by collective bargaining, or

(2) Individually by a contractor or group of contractors whose employees have no designated representative for the purposes of collective bargaining.

(c) *Contents of application.* After its adoption all applications for the establishment, revision or approval of rates shall be filed on Construction Industry Stabilization Commission Form 1. Until Form 1 is adopted an application may be filed in any appropriate form setting forth in separate numbered paragraphs the information required by this section. Every application shall contain the following information with respect to the rates for which approval is sought:

(1) A statement of the proposed rate together with an identification of the specific job classifications, including apprentices, for which each rate is to be applicable.

(2) A specific definition of the geographic area in which the proposed rates are to be applicable.

(3) An identification of the type of construction for which the proposed rates are to be applicable, namely, building, heavy or highway construction.

(4) A statement as to the date upon which the proposed rates are to be made effective.

(5) In the case of rates other than area rates, a specific identification of the parties and project with respect to which the approval is sought.

(6) With respect to each job classification for which a rate is proposed, a statement of the area rate and of applicant's rates prevailing on January 15, 1950, on July 26, 1951, and on the date of the application.

(7) Where approval is sought for any changes in wage practices other than wage rates, a statement as to the proposed practices and the practices actually in effect by the parties on July 26, 1951.

(8) A statement of the differential proposed for working foremen and of what such differential was on July 26, 1951.

(9) Names and addresses of contractors' associations and individual contractors, and of local unions, with which negotiations for wage adjustments have been consummated.

(10) Two attested copies of the collective bargaining agreement on which the application is based and of the collective bargaining agreement, if any, in effect immediately preceding that agreement.

SEC. 7. *Notice to interested parties.* (a) Upon receipt of an application for the establishment, revision or approval of a rate, the Commission will give notice of the application by registered mail to all persons whom the Commission has reason to believe are interested therein. The notice shall be dated and shall state the earliest date at which the Commission may consider the case.

(b) Within 18 days of the date of the notice any interested person may file with the Commission a statement containing any information or arguments, either of fact or law, which he wishes the Commission to consider in acting upon the application.

(c) The granting of an oral hearing in connection with an application shall be in the sole discretion of the Commission. An oral hearing will be granted only under extraordinary circumstances when the Commission determines that such a hearing will facilitate a just and proper disposition of the case.

SEC. 8. *Standards of approval.* (a) In establishing, revising and approving rates, the Commission will be bound by the policies established by the regulations of the Wage Stabilization Board and Economic Stabilization Administrator, and subject to the direction and control of the Board, the Commission may make such modifications of said policies as it deems necessary to adapt them to the building and construction industry.

(b) Notwithstanding the general rule prohibiting the payment of rates approved for use in one area in a different area, the Commission recognizes that in particular branches of the industry the practice has been established of transferring certain specialist employees of exceptional training and skill from area to area and paying such employees the same rates irrespective of the area in which the employees may be utilized. Accordingly the Commission will approve such practice for any particular project on specific application of any employer where the application demonstrates (1) that on or prior to the effective date of this regulation he customarily employed specialized workers to work in different areas at a uniform wage rate; (2) that the authorization requested is in accord with his practice on such date; and, (3) that the authorization is limited to certain specified, highly specialized employees whose ratio to the number of employees on the project is not greater than the customary ratio used on projects in progress on such date.

SEC. 9. *Decisions.* (a) Rates approved on the basis of a specific application shall be applicable only to the particular parties who join in the application and only for such project or projects as are specified in the ruling, unless the ruling is designated as an "area-rate ruling" and is published as such.

(b) A decision of the Commission shall be final unless reconsidered upon an order of the Commission entered within 10 days after promulgation of the decision, or unless modified by the Board on appeal. No ruling of the Commission may be given effect by any party prior to receipt by such party of the official ruling. Each decision of the Commission will state the date on which any approved increase in rates may be made effective.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Construction Industry Stabilization Commission: July 26, 1951.

ARCHIBALD COX,
THOMAS J. CALIS,
Co-Chairmen.

Approved by the Wage Stabilization Board, July 26, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-8987; Filed, Aug. 1, 1951; 11:33 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-34, Revocation]

M-34—SOLE LEATHER

REVOCATION

NPA Order M-34, as amended June 28, 1951, is hereby revoked, effective July 31, 1951.

This revocation does not affect any liabilities incurred for violation of NPA Order M-34 as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions of the National Production Authority under it.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8950; Filed, July 31, 1951; 4:34 p. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 4]

DFO-4—REGULATIONS GOVERNING FILING OF AND ACTIONS ON PETITIONS FOR RELIEF FROM HARDSHIP AND OTHER ADJUSTMENTS AND EXCEPTIONS AND APPEALS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., approved September 8, 1950) as amended, and delegations of authority thereunder.[1] Consultation with industry representatives and with representatives of trade associations in advance of the issuance of this order has been rendered impracticable by the fact that the order applies to all food trades and industries.

[1] Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61); Defense Production Administration Delegation No. 1, as amended (16 F. R. 738, 4594); Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519); Memorandum of Agreement between the Administrator (PMA) and the Administrator (NPA), 16 F. R. 3410; NPA Delegation 10 (16 F. R. 3669); and NPA Delegation 14, as amended (16 F. R. 6735).

SUMMARY OF ORDER

This order sets forth the policies and procedures of the Production and Marketing Administration with respect to the submission of, and actions on, petitions for relief from hardship or for other adjustments and exceptions filed in accordance with the provisions of Defense Food Orders and other defense orders for which authority has been assigned to the Production and Marketing Administration. The order also sets forth policies and procedures governing the submission of, and action on, appeals relating to such petitions. The order does not apply to appeals from actions taken in connection with compliance proceedings.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Basis for petitions.
3. Procedure for filing petitions.
4. Action on petitions.
5. Basis for appeals.
6. Procedure for filing appeals.
7. Action on appeals.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong., as amended.

SECTION 1. *Definitions.* (a) "PMA" means the Production and Marketing Administration, United States Department of Agriculture.

(b) "Administrator" means the Administrator, or Acting Administrator of PMA.

(c) "Director" means the Director or Acting Director of a Branch or Office of PMA.

(d) "Other PMA Official" means officials of PMA other than the Administrator and the Director.

(e) "Defense Order" means (1) any order, regulation or directive, issued by PMA and designated as a Defense Food Order, Sub-Order, or Amendment, and (2) any other order, under the Defense Production Act of 1950, as amended, with respect to which authority has been assigned to PMA to take final action on appeals, adjustments or exceptions thereunder.

(f) "Appeals Board" means the PMA Defense Order Appeals Board.

(g) "Petition" means a written request from a person seeking relief from the application of the provisions of a Defense Order to the petitioner: (1) on the grounds that compliance therewith would work an exceptional or unreasonable hardship on him, or (2) on any other grounds set forth in a Defense Order for exceptions or adjustments in the application of the provisions of such order.

(h) "Appeal" means a written request from a person seeking review by the Appeals Board of action taken by a Director or other PMA Official on a petition.

SEC. 2. *Basis for petitions.* As a general rule, a Defense Order will provide for the filing of a petition in any case where a person affected by the order considers that compliance therewith would work an exceptional or unreasonable hardship on him. To be entitled to relief, the petitioner must establish that the hardship encountered by him is an exceptional or unreasonable hardship not suffered generally by others in the same trade or industry or in the same relative position. Certain Defense Orders not issued, but administered, by PMA may provide additional grounds for submitting petitions in connection with such orders. In the case of such orders, all criteria and standards set forth in such orders or other applicable regulations of the issuing agencies shall govern PMA actions on such petitions.

SEC. 3. *Procedure for filing petitions.* Petitions shall be filed with the official designated in the applicable Defense Order or other instrument designating the official with whom petitions shall be filed. As a general rule, the official administering the Defense Order and to whom the Defense Order designates communications shall be sent is the official responsible for acting on petitions. Each petition shall be in writing and shall set forth all pertinent facts, the specific Defense Order involved, the nature of the relief sought, and the justification therefor.

SEC. 4. *Action on petitions.* The Director or Other PMA Official authorized to act on a petition shall consider the petition and notify the petitioner in writing as to the action taken. If the petitioner is dissatisfied with such action and has new and substantial facts to submit, he may request reconsideration of the petition on the basis of such facts, by the Director or Other PMA Official who acted on the petition. Each such request shall be in writing and set forth such facts. The Director or Other PMA Official shall thereupon reconsider such petition and notify the petitioner in writing as to the action taken.

SEC. 5. *Basis for appeals.* In the event a petitioner is dissatisfied with action taken by a Director or Other PMA Official on a petition and has no new and substantial facts to submit as a basis for reconsideration, he may file an appeal.

SEC. 6. *Procedure for filing appeals.* (a) An appeal shall be signed by the appellant or his authorized representative and shall be filed in quadruplicate with the Director or Other PMA Official who acted on the petition. Such appeal shall be considered filed when it is delivered to the office of such Director or Other PMA Official.

(b) An appeal shall set forth (1) the name, address and business of the appellant; (2) the nature of the PMA action appealed from, including, but not being limited to its date, case or other identifying number and the Defense Order under which it was taken; (3) the basis for the appeal; and, if the appellant requests a hearing, (4) a statement to that effect. All documents offered by an appellant in support of his appeal shall be submitted in quadruplicate.

SEC. 7. *Action on appeals.* (a) The Director or Other PMA Official with whom an appeal is filed shall forward such appeal promptly to the Appeals Board. The Appeals Board shall act as an impartial body for the Administrator in the consideration of appeals; action

by a majority of the Board shall constitute action by the Appeals Board; and its decisions shall be final.

(b) The Appeals Board shall docket the appeal and, in its discretion, hold informal hearings on any appeal either upon its own initiative or upon request by the appellant. The appellant's case is not prejudiced by the fact that he does not request a hearing.

(c) If a hearing is to be held, the Appeals Board shall fix the date, time and place and shall notify the appellant thereof as well as the Director or Other PMA Official from whose decision the appeal is being taken. The Appeals Board, in its discretion, may also arrange for participation in such hearings by other persons or Government officials. It is not required that an appellant may be represented by counsel at any such hearing but he may be so represented if he desires. If he is represented by counsel or other person but is not present at the hearing, the appellant must notify the Appeals Board in writing that he has authorized such counsel or other person to represent him at the hearing and has furnished such counsel or other person with the information necessary for presenting appellant's case. Any misrepresentation of fact, or any withholding of fact, is punishable under the applicable Federal statutes.

(d) The Appeals Board, over the signature of the Chairman of the Board, shall, in writing, notify the appellant, the Director or other PMA Official, and other parties to the appeal of the decision of the Appeals Board. The Appeals Board may, in its discretion, reconsider its decisions upon a proper showing of good cause for such reconsideration. The Appeals Board does not issue or furnish opinions with respect to its decisions.

The functions exercised under this order are excluded from the operations of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.) except as to the requirements of section 3 thereof.

Done at Washington, D. C., this 28th day of July 1951. This order shall take effect August 2, 1951.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8990; Filed, Aug. 1, 1951; 11:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

SUBPART D—LEGAL SERVICES

1. Section 14.502 is amended to read as follows:

§ 14.502 *Domestic relations questions.* (a) Subject to the provisions of paragraphs (b) and (c) of this section, the chief attorney is authorized to prepare and release legal opinions on all questions submitted relating to the validity and legal effects of marriages (ceremonial or otherwise), divorces, ostensible marriages (void or voidable), adoptions, and legitimacy of children.

(b) In the following instances the chief attorney may refer the request to the solicitor or may prepare a tentative opinion:

(1) Issues as to discontinuing gratuity payments by reason of ostensible remarriage, i. e., the rule announced in the case of Will Herring, XC 1 299 509 (24 Sol. 439);

(2) Restoration of such payments to a widow whose subsequent marriage is annulled in an action not actually contested;

(3) Cases in which there are contesting claimants to insurance proceeds or dividends;

(4) Conflict of law questions arising from the entry of inconsistent judgments in two or more jurisdictions;

(5) Unusual situations involving the law of two or more jurisdictions.

(c) All opinions prepared by chief attorneys shall be subject to approval by the solicitor. For that purpose, the chief attorney will forward to the solicitor a copy of each opinion (except title opinions). If the opinion (1) is on one of the matters enumerated in paragraph (b) of this section, (2) is not within the purview of paragraph (a) of this section, (3) is not predicated on an applicable governing solicitor's opinion or Veterans' Administration issue, the chief attorney will defer releasing the original pending advice from the solicitor.

2. Section 14.505 is amended to read as follows:

§ 14.505 *Legal advice or assistance on general law, State law, real and personal property law, loan guaranty or insurance cases, personnel, fiscal matters, etc.* (a) Written or oral requests for legal advice or assistance from the appropriate chief attorney are authorized to be made by managers of hospitals and domiciliaries, district and regional offices, and by chiefs of divisions of regional offices: *Provided however,* The inquiry shall be in writing if the chief attorney so requests. Except as to questions of State law or of general law, the chief attorney will confine his advice and opinions to matters covered by Veterans' Administration precedents and issues will be covered thereby, and will not go beyond the scope thereof. Irrespective of whether the request be oral or written, the chief attorney is authorized to give such advice or opinion in writing, and, if the question is one which may involve widespread application of the opinion, it shall be in writing.

(b) Subject to the exception stated in paragraph (a) of this section, if no applicable solicitor's opinion or governing Veterans' Administration issue is found, the chief attorney will forward copy of his opinion to the solicitor and will not release the opinion unless and until approved by the solicitor. In lieu of preparing opinions, the chief attorney in his discretion is authorized to submit the question to the solicitor, with appropriate comments and citations of statutes and cases readily accessible.

(c) Opinions other than those governed by paragraph (b) of this section or § 14.502 (c) properly can be released by the chief attorney at the time he forwards copy thereof to the solicitor.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 2, 1951.

[SEAL] O. W. CLARKE,
Deputy Administrator.

[F. R. Doc. 51-8826; Filed, Aug. 1, 1951; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—LETTER, CALL, AND LOCK BOXES, AND KEY DEPOSITS

RENT OF BOXES

In § 27.7 *Rent of boxes* (39 CFR 27.7) amend the first sentence of paragraph (d) to read as follows: "When a box is rented after the beginning of the quarter the rent to be collected shall be computed by multiplying the number of days remaining in the quarter, including the day on which the box is rented, by the rates and dividing the product by the total number of days in the quarter, except that rental for the entire quarter should be collected from a box holder who pays for the right to continue the use of a box which he held during the previous quarter."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8877; Filed, Aug. 1, 1951; 8:51 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

A. In § 127.55 *General information* amend paragraph (c) (3) by deleting "and" between "Palestine" and "Germany", and by inserting ", and Gold Coast Colony" between "Germany" and "it".

B. In § 127.71 *Sealing* amend paragraph (a) by inserting "Gold Coast Colony (insured)" between "Gibraltar (insured)" and "Great Britain and Northern Ireland (insured)".

C. In § 127.102 *Special provisions applicable to international insurance service* (16 F. R. 688, 1900 and 2682) amend paragraph (a) by inserting "Gold Coast Colony" between "Gibraltar" and "Great Britain and Northern Ireland".

D. In § 127.267 *Gold Coast Colony* make the following changes:

1. Amend the tabulated information below the table of rates in subdivision (ii) of paragraph (b) (1) to read as follows:

Weight limit: 22 pounds.
Customs declaration: 1 Form 2966.
Dispatch note: No.

Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes (surface parcels only).
C. o. d.: No.

2. Amend paragraph (b) (2) to read:

(2) *Indemnity.* See subcaption "Insurance".

3. Redesignate subparagraphs (4) and (5) as (5) and (6) and insert a new subparagraph (4) to read as follows:

(4) *Insurance.* Surface parcels may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $80	55

Insurance return receipt. Requested at time of mailing, 5 cents; after mailing, 10 cents.

The insurance of parcels containing coin, platinum, gold or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles is obligatory. If a parcel containing such articles is sent uninsured through error, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

Every parcel containing precious stones, jewelry or any article of gold, silver or platinum exceeding $400 in value shall be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

Each insured parcel and its customs declaration must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. No alteration or erasure of the indication on the customs declaration is allowed; if an error is made, a fresh customs declaration must be prepared.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8876; Filed, Aug. 1, 1951; 8:50 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

EXPORT LICENSES REQUIRED FOR ARTICLES AND PARCELS TO CERTAIN FOREIGN COUNTRIES

In § 127.85b *Export licenses required for articles and parcels to certain foreign countries* (16 F. R. 2657) amend subparagraph (1) and (2) of paragraph (a) to read as follows:

(1) List I, China, except Taiwan (Formosa), (including Manchuria).

Classes of mail acceptable without export license. (i) Letters (merchandise prohibited in letter mails).

(ii) Post cards.
(iii) Commercial papers.
(iv) Printed matter.

Classes of mail requiring presentation of export license. (i) Samples of merchandise.

(2) List II, Tibet (see under country item "India").

Classes of mail acceptable without export license. (i) Letter and letter packages, except those containing merchandise.
(ii) Post cards.
(iii) Commercial papers.
(iv) Printed matter.

Classes of mail requiring presentation of export licenses. (i) Letter packages containing merchandise.
(ii) Samples of merchandise.
(iii) Parcel post.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8875; Filed, Aug. 1, 1951; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter S—Rights-of-Way

[Circular No. 1795]

PART 244—RIGHTS-OF-WAY FOR CANALS, DITCHES, RESERVOIRS, WATER PIPE LINES, TELEPHONE AND TELEGRAPH LINES, TRAMROADS, ROADS AND HIGHWAYS, OIL AND GAS PIPELINES, ETC.

RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES

A new section, numbered 244.53 and reading as follows, is added at the end of Part 244:

§ 244.53 *Common carrier stipulation required.* Each application for a natural gas pipeline right-of-way must include the following stipulation:

(a) The applicant agrees that it will operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter adopted thereunder and that it will transport natural gas for others, whether such gas is produced from Government lands or not, at reasonable rates and subject to conditions to be allowed or determined by the regulatory agency having jurisdiction over such transportation, provided that no condition shall be imposed by the applicant which is inconsistent with the applicant's obligation to operate its pipeline as a common carrier. The applicant agrees to provide common carrier transportation service requested, including firm service, as follows:

(1) When any request for the transportation of natural gas is made and there is unused capacity in the applicant's pipe line, the applicant agrees promptly, or within such time as may be fixed by the Secretary, (i) to file with the regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant to transport such gas, to the extent of the unused capacity of the pipe line, if an application for such authority is required by the law applicable to such agency or by the rules or regulations of such agency, and, upon the issuance of such authority, to commence to render service to the extent of the unused capacity of the pipe line pursuant to the terms and conditions of such authority, or (ii) where no such authority need be obtained in advance of transportation, to file a rate schedule or tariff with such regulatory agency and to commence to render transportation service at the rates and subject to the conditions allowed or determined by such agency. Nothing in this paragraph (1) shall be construed to prevent any right of appeal which the applicant may have under applicable law from the issuance of authority under clause (i) or from any determination of rates or conditions under clause (ii) of the preceding sentence, but no appeal taken by the applicant shall delay the commencement of transportation service by the applicant as provided in that sentence.

(2) If there is no unused capacity or insufficient unused capacity in the applicant's pipeline at the time when the request for transportation is made, the applicant agrees promptly, or within such time as may be fixed by the Secretary, to file with any regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant to increase the capacity of its pipeline sufficiently to enable the applicant to provide for the transportation of the natural gas proposed for shipment, but the applicant shall not be required to apply for the issuance of authority to increase the capacity of its pipeline to such an extent that such increased capacity, when added to any increased capacity theretofore provided pursuant to this stipulation, will exceed that capacity of the pipeline not devoted to common carrier transportation at the time the request for common carrier transportation is made. The applicant shall be required to file an application for authority to increase the capacity of its pipeline only if the prospective shipper joins in such application and only if the prospective shipper advises the applicant in writing that at any hearing upon such application the shipper shall have the burden of showing an adequate gas supply, markets, and other relevant facts necessary to establish, consistent with applicable law, the economic feasibility of the facilities and investment required to provide necessary added capacity and to justify the issuance of authority for the construction of such facilities, and that the shipper agrees to offer natural gas for transportation through the applicant's pipeline, upon completion of the construction of the increased capacity within a reasonable time, in such amounts and for such period of time as will be sufficient to pay the construction and operation costs allocable to his shipments plus a reasonable return on the investment allocable to such shipments. Applicant further agrees to proceed diligently to provide the increased capacity for common carrier transportation, the construction of which is authorized by any final order of any regulatory agency having jurisdiction over such transportation, provided that the applicant will not be required to construct such additional facilities until it is able to obtain necessary outside funds, if any are needed, on terms submitted to and sanctioned by the regulatory agency in connection with the application to obtain such authority, but nothing herein contained shall be construed as a waiver of any right which the applicant may have under applicable law to appeal from such final order.

Upon completion of construction under such authorization, applicant will take all steps necessary, including the filing of rate schedules or tariffs where required, to commence service pursuant to the terms and conditions of the authorization and at the rates and subject to the conditions allowed or determined by the agency. Nothing in the preceding sentence shall be construed to

prevent any right of appeal which the applicant may have under applicable law from any determination of rates or conditions by the regulatory agency, but no such appeal taken by the applicant after the completion of construction, shall delay the commencement of transportation service by the applicant as provided in that sentence.

(b) Any rate schedule or tariff filed under paragraph (a) shall include the provisions set forth in paragraph (a) of this stipulation and no change shall be made in paragraph (a) without first obtaining the approval of the Secretary of the Interior. A copy of such rate schedule or tariff and of any amendment to, or revision of, a rate schedule or tariff shall be furnished to the Secretary of the Interior when the original is filed with the regulatory agency.

(c) None of the specific provisions of this stipulation shall be construed to limit in any way the obligation of the applicant to operate its pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter adopted under that Act or any other obligations imposed on the applicant by such Act or regulations, and any violation of such obligation shall be ground for the cancellation of the right-of-way, as provided in the Mineral Leasing Act.

Every applicant for a natural gas pipeline right-of-way whose application is pending before the Department on the date of the promulgation of this section, without final action thereon having been taken by the Department, shall be required to execute and file the stipulation prescribed in this section within 30 days after such date.

(Secs. 28, 32, 49 Stat. 678, 41 Stat. 450; 30 U. S. C. 185, 189)

NOTE: The record keeping or reporting requirements of this reglation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 27, 1951.

[F. R. Doc. 51-8855; Filed, Aug. 1, 1951; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 735]

ALASKA

WITHDRAWAL OF PUBLIC LANDS FOR THE PROTECTION AND PRESERVATION OF SCENIC AND RECREATIONAL AREAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for the protection and preservation of scenic and recreational areas:

SEWARD MERIDIAN

T. 18 N., R. 1 E.,
Sec. 34, lot 2.
T. 18 N., R. 2 E.,
Sec. 2, NE¼SE¼NW¼ south of Glenn Highway.
T. 17 N., R. 3 W.,
Sec. 20, E½NW¼SE¼ (part of lot 6);
Sec. 28, W½SW¼NE¼SW¼ (part of lot 3);
Sec. 31, S½SW¼NW¼NW¼ (part of lot 1).
T. 13 N., R. 4 W.,
Sec. 3, NW¼NW¼NW¼SE¼ (part of lot 2), SW¼NW¼, NE¼SE¼NW¼, W½SE¼NW¼, N½SE¼SE¼NW¼, and NW¼NW¼SW¼;
Sec. 4, E½NW¼SW¼SE¼ (part of lot 1) and SE¼SE¼SE¼ (part of lot 4);
Sec. 9, lot 1.
T. 17 N., R. 4 W. (unaccepted survey),
Sec. 25, S½SE¼NE¼ and SE¼SE¼SW¼NE¼ (that portion above mean high water);
Sec. 26, S½NE¼SE¼SW¼ and N½SE¼SE¼SW¼ (that portion above high water);
Sec. 27, SW¼NE¼NW¼SW¼ and SE¼NW¼NW¼SW¼ (that portion above mean high water of Mud Lake and Flat Lake), NE¼SE¼SW¼NE¼, N½SE¼SE¼SW¼NE¼, N½SW¼SE¼NE¼, and N½S½SW¼SE¼NE¼ (that portion above mean high water of Big Lake and Mud Lake);
Sec. 34, E½NE¼NE¼NE¼ (that portion above mean high water of Big Lake and an unnamed lake on the south).
T. 19 N., R. 4 W.,
Sec. 21, E½SW¼SW¼SE¼ (part of lot 1);
Sec. 28, N½SW¼NE¼NW¼ and N½S½SW¼NE¼NW¼ (part of lot 2);
Sec. 29, NE¼NW¼NW¼ and E½NW¼NW¼NW¼ (part of lot 4); NW¼NW¼SE¼NW¼ and W½NE¼NW¼SE¼NW¼ (part of lot 7); NE¼SW¼NE¼ (part of lot 8);
Sec. 34, N½NE¼NE¼NE¼ (part of lot 1).
T. 20 N., R. 4 W.,
Sec. 7, N½NE¼SE¼SW¼ (part of lot 5).
T. 6 S., R 13 W.,
Sec. 27, lot 1.

LIBERTY FALLS AREA

Beginning at Corner Post No. 1, latitude 61°38'50" N., longitude 144°39' W., set on the NW edge of the Edgerton Highway right-of-way; thence by metes and bounds:
S. 56° W., 10 chs. to Corner No. 2;
S. 34° E., 10 chs. to Corner No. 3;
N. 56° E., 10 chs. to Corner No. 4;
N. 34° W., 3.38 chs. to center line of the Edgerton Highway; from which point Mile Post 10 bears northeasterly 5.11 chains;
N. 34° W., 6.62 chs. to point of beginning.

COPPER RIVER MERIDIAN

T. 28 S., R. 56 E.,
Sec. 30, lot 7.

The areas described aggregate 195.06 acres.

This order shall take precedence over but shall not otherwise affect the withdrawal for classification made by Executive Order No. 6957 of February 4, 1935, so far as it affects the above-described lands. The withdrawal made by this order shall be subject to Power Site Classification No. 412 approved November 9, 1950, so far as such order affects the land in T. 18 N., R. 1 E.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 26, 1951.

[F. R. Doc. 51-8860; Filed, Aug. 1, 1951; 8:47 a. m.]

[Public Land Order 736]

MONTANA

RESERVED PUBLIC LANDS FOR USE BY THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Montana is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of the Forest Service, Department of Agriculture, in connection with the administration of the Deerlodge National Forest:

PRINCIPAL MERIDIAN

T. 6 N., R. 4 W.,
Sec. 29, lots 2, 4, 5, and NE¼NW¼.

The area described contains 102.73 acres.

This order shall take precedence over, but shall not otherwise affect, the order of the Secretary of the Interior of November 3, 1936, establishing Montana Grazing District No. 5, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 27, 1951.

[F. R. Doc. 51-8857; Filed, Aug. 1, 1951; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-237]

ACCIDENT OCCURRING NEAR MONROVIA, LIBERIA, AFRICA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-88846, which occurred near Monrovia, Liberia, Africa, on June 22, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, August 8, 1951, at 9:00 a. m., e. d. t., in the Lexington Hotel, Forty-eighth Street and Lexington Avenue, New York, New York.

Dated at Washington, D. C., July 26, 1951.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 51-8854; Filed, Aug. 1, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC (PASSENGER) CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7840-19, between the member lines of the Atlantic (Passenger) Conference, modifies the provision of the basic agreement of said Conference (No. 7840) providing that agents, responsible clerks of General Agents and their wives and dependent children may be granted a 75 percent reduction in fare, by adding a clause providing that in connection with the annual convention of the American Society of Travel Agents to be held in Paris, France, from October 22 to 27, 1951, the 75 percent reduction in fare may be granted, eastbound and westbound, to (a) the accompanying husband of a qualified female agent or of a qualified female responsible clerk, provided such agent or clerk is registered for attendance at said convention, and (b) to a salaried employee of the American Society of Travel Agents traveling to attend said convention and to an accompanying husband or wife of such an employee. Under such clause departure from Europe on the westbound voyage must take place on or before December 31, 1951, after which date said clause becomes void.

Agreement No. 17-26, between the member lines of the Far East Conference and the carriers comprising the O. S. K.-Shinnihon New York Line, provides for the admission of said Line to membership in the Far East Conference as a single party with one vote pursuant to the provisions of joint service agreement 7823.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8888; Filed, Aug. 1, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7938, 9944]

WESTERN BROADCASTING ASSOCIATES AND WEST SIDE RADIO

ORDER CONTINUING HEARING

In re applications of Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; Maxon B. Sayre and George Stevens, Jr., d/b as West Side Radio, Tracy, California, Docket No. 9944, File No. BP-7802; for contruction permits.

The Commission having under consideration (1) a petition filed by West Side Radio on July 20, 1951, requesting a continuance to September 5, 1951 of the further hearing herein now scheduled for July 24, 1951; (2) a petition filed by Western Broadcasting Associates on July 20, 1951, requesting an indefinite continuance or, in the alternative, a continuance for 90 days; and (3) oral argument held on the two petitions and participated in by Commission Counsel, Counsel for West Side Radio, and special counsel appearing for Western Broadcasting Associates; and

It appearing that all of the parties, including Commission Counsel, are agreeable to a continuance until at least September 5, 1951 and that the sole question is whether the continuance should be beyond September 5, 1951, and, if so, to what date; and

It further appearing that the indefinite or 90-day continuance requested by Western Broadcasting Associates is based upon statements of counsel, upon information and belief, that Station KCBS is in the process of moving its transmitter site and increasing its power to 50 kw, that the 25 mv/m contour of KCBS, as operated with 50 kw, will overlap the 25 mv/m contour of the station proposed by West Side Radio at Tracy, California, operating 30 kilocycles removed from KCBS, and that in the reasonably near future KCBS will file its proof of performance and commence program tests upon which measurements can be made by petitioner to establish its 25 mv/m contour; and

It further appearing, as other counsel at the oral argument pointed out, that these statements are by counsel for Western Broadcasting Associates, upon information and belief, and unsupported by any engineering statement or affidavit as to the conductivities involved, the probabilities of overlap, the status of the move or construction of KCBS, or the proof of performance or measurements thereon and therefore cannot be relied upon as support for an indefinite continuance or a continuance of 90 days; and

It further appearing that special counsel for Western Broadcasting Associates has stated, at the oral argument, that Mr. Orla St. Clair, counsel for Western Broadcasting Associates, expects to represent his client at the hearing in Washington in this proceeding and that he has cases scheduled for trial or hearing on the West Coast throughout the month of September 1951 and up to and including October 3, 1951;

It is hereby ordered, This 23d day of July 1951 that the hearing herein presently scheduled for July 24, 1951, is continued to October 9, 1951 in Washington, D. C. at 10:00 a. m. and that the petitions by the applicants herein are granted in part and denied insofar as they request dates other than October 9, 1951.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8894; Filed, Aug. 1, 1951; 8:54 a. m.]

[Docket No. 9514]

CROSLEY BROADCASTING CORP. (WINS)

ORDER CONTINUING HEARING

In re application of Crosley Broadcasting Corporation (WINS), New York, New York, Docket No. 9514, File No. BMP-4758, for extension of completion date.

The Commission having under consideration a petition filed July 13, 1951, by the Crosley Broadcasting Corporation (WINS), New York, New York, requesting that the hearing herein which is presently scheduled for July 30, 1951, be continued for a period of ninety days in order that the Commission may consider supplemental data showing satisfactory suppression of re-radiation from WMGM, which petitioner states it will file together with a petition for reconsideration and grant if the Commission deems it necessary; and

It appearing that petitioner states all parties to the proceeding including the Commission Counsel have orally consented to a grant of this petition and good cause has been shown for such action;

It is therefore ordered this 20th day of July 1951, that the petition for a continuance of the above-captioned hearing be and it is hereby granted and the hearing is hereby continued to October 30, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8891; Filed, Aug. 1, 1951; 8:53 a. m.]

[Docket No. 9672]

SHAWANO COUNTY LEADER PUBLISHING CO. (WTCH)

ORDER CONTINUING HEARING

In re application of The Shawano County Leader Publishing Company (WTCH), Shawano, Wisconsin, Docket No. 9672, File No. BP-7488; for construction permit.

The Commission having under consideration a petition filed July 16, 1951, by The Shawano County Leader Publishing Company (WTCH), requesting indefinite continuance of the hearing in the above-entitled proceeding presently scheduled for July 25, 1951, pending action by the Commission on the applicant's petition, filed July 3, 1951, for reconsideration and grant without hearing of its application for construction permit, as amended; and

It appearing, that since favorable action upon the petition for grant without hearing would remove the necessity for a hearing, a continuance of the hearing in order to permit consideration of such petition by the Commission would serve the public interest; and

It further appearing, that counsel for the May Broadcasting Company, licensee of Station KMA in Shenandoah, Iowa, the only other party to the proceeding, and Commission counsel have informally consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the immediate consideration and grant of the instant petition;

It is ordered, This 19th day of July 1951, that the hearing in the above-entitled proceeding, now scheduled for July 25, 1951, be, and it is hereby continued to a date to be hereafter fixed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8892; Filed, Aug. 1, 1951; 8:53 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Circle Broadcasting Corporation, Hollywood, Florida, Docket No. 9884, File No. BP-7750; for construction permit.

The Commission having under consideration a petition, filed by the applicant on July 17, 1951, requesting a postponement for 60 days of the hearing now scheduled for July 25, 1951; and

It appearing, from the petition and the Commission's records that on July 3, 1951 Station WFEC at Miami, Florida filed with the Commission an application (File No. BP-8174), proposing operation at Miami on 1240 kc with 250 w power and requesting a consolidated hearing with the Circle Broadcasting Corporation application because of alleged prohibitive objectionable interference between the two proposed operations in that the 2 mv/m and 25 mv/m contours of the proposed 20 kc separated operations would overlap; and

It further appearing, that the applicant herein desires additional time within which to search for a different frequency, to amend its application, and thus to avoid the requirement of a hearing upon its proposal; and

It further appearing, that an indefinite continuance of the scheduled hearing in this proceeding as hereinafter ordered will serve the applicant's convenience, will permit of Commission consideration of the above WFEC application in relation to the instant proposal, and will thus conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 20th day of July 1951, that the petition for continuance is granted, and the hearing now scheduled for July 25, 1951, is continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8893; Filed, Aug. 1, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 61737]

ALASKA

RESTORATION ORDER 1303 UNDER FEDERAL POWER ACT

JULY 27, 1951.

Pursuant to the determination of the Federal Power Commission (DA-57, Alaska) and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-identified public land, so far as it is withdrawn or reserved for power purposes by Power Project No. 119, as modified April 24, 1934, and Power Site Classification No. 409 of June 29, 1950, is hereby restored for entry under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended by the act of August 26, 1935, 49 Stat. 846 (16 U. S. C. 818):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2526, lot 8, 4.60 acres; latitude 60°29'49" N., longitude 149°49'30" W. (Homesite No. 101, Cooper Landing Group).

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 51-8858; Filed, Aug. 1, 1951; 8:47 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO THE WITHDRAWAL OF PUBLIC LANDS FOR PROTECTION AND PRESERVATION OF SCENIC AND RECREATIONAL AREAS [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 26, 1951.

[F. R. Doc. 51-8859; Filed, Aug. 1, 1951; 8:47 a. m.]

Office of the Secretary

ALASKA COMMERCIAL FISHERIES

NOTICE OF INTENTION TO ADOPT AMENDMENTS TO THE EXISTING REGULATIONS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning February 1, 1952, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or argu-

[1] See F. R. Doc. 51-8860, *supra.*

ments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Naknek, Alaska	Aug. 1.
Dillingham, Alaska	Aug. 2.
Kodiak, Alaska	Sept. 17.
Anchorage, Alaska	Sept. 20.
Cordova, Alaska	Sept. 24.
Yakutat, Alaska	Sept. 26.
Ketchikan, Alaska	Oct. 13.
Craig, Alaska	Oct. 15.
Wrangell, Alaska	Oct. 17.
Petersburg, Alaska	Oct. 18.
Sitka, Alaska	Oct. 20.
Seattle, Wash	Oct. 31 and Nov. 1.
Juneau, Alaska	Nov. 5.

(43 Stat. 464, as amended; 48 U. S. C. 221)

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JULY 27, 1951.

[F. R. Doc. 51-8856; Filed, Aug. 1, 1951; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1567, G-1663, G-1685]

MISSISSIPPI POWER AND LIGHT CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINDINGS AND ORDERS

JULY 27, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its findings and orders entered July 25, 1951, issuing certicates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8861; Filed, Aug. 1, 1951; 8:47 a. m.]

[Docket Nos. G-1745, G-1748]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. AND FALL RIVER GAS WORKS CO.

NOTICE OF ORDER DISMISSING APPLICATIONS

JULY 27, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its order entered July 25, 1951, dismissing applications in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8862; Filed, Aug. 1, 1951; 8:47 a. m.]

[Docket No. E-6365]

PUBLIC SERVICE CO. OF INDIANA, INC. AND MADISON LIGHT AND POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION OF SECURITIES, DISPOSITION AND MERGER OF FACILITIES AND DENYING REQUESTS FOR DISMISSAL OF APPLICATION

JULY 27, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its order entered July 25, 1951, in the above-entitled matter, authorizing and approving acquisition of securities, disposition and merger of facilities and denying requests for dismissal of application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8863; Filed, Aug. 1, 1951; 8:47 a. m.]

[Project No. 1835]

PLATTE VALLEY PUBLIC POWER AND IRRIGATION DISTRICT

NOTICE OF ORDER APPROVING EXHIBIT L

JULY 27, 1951.

Notice is hereby given that, on July 27, 1951, the Federal Power Commission issued its order entered July 25, 1951, approving Exhibit L, "South Platte Diversion Dam Details of Warm Water De-Icing System", as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8864; Filed, Aug. 1, 1951; 8:48 a. m.]

[Docket No. ID-1150]

J. REED HARTMAN

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JULY 27, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its order entered July 25, 1951, in the above-designated matter, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8865; Filed, Aug. 1, 1951; 8:48 a. m.]

[Project No. 2087]

BLUE RIDGE ELECTRIC MEMBERSHIP CORP.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 27, 1951.

Public notice is hereby given that Blue Ridge Electric Membership Corporation, Lenoir, North Carolina, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for the proposed Glendale Springs hydroelectric development comprising an earth and rock fill dam across South Fork of New River approximately 2,000 feet upstream from North Carolina State Highway No. 16 bridge, with spillway crest elevation about 2,870 feet (U. S. G. S. datum) creating a reservoir of 200,000 acre feet of usable storage capacity with a 40 foot drawdown; a tunnel about 13,000 feet long to divert water across the divide to the Middle Fork of Reddies River; and a powerhouse on the Middle Fork of Reddies River having an installed capacity of about 88,500 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before August 16, 1951 to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8866; Filed, Aug. 1, 1951; 8:48 a. m.]

[Docket No. G-1574]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER AMENDING CERTIFICATE OF PUBLIC CONVENIENCE AND NECCESSITY

JULY 26, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its order entered July 25, 1951, in the above-entitled matter, amending certificate of public convenience and necessity issued by order of February 28, 1951, published in the FEDERAL REGISTER March 7, 1951 (16 F. R. 2132).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8867; Filed, Aug. 1, 1951; 8:49 a. m.]

[Docket Nos. ID-1151, ID-1093]

WALTER J. OTT AND LEO F. CHAMBERS

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JULY 26, 1951.

Notice is hereby given that, on July 26, 1951, the Federal Power Commission issued its orders entered July 25, 1951, in the above-designated matters, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8868; Filed, Aug. 1, 1951; 8:49 a. m.]

[Docket No. G-1740]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF APPLICATION

JULY 26, 1951.

Take notice that Mississippi Power & Light Company (Applicant), a Florida corporation with its principal place of business at Jackson, Mississippi, filed on July 11, 1951, an application for a determination of its status under the Natural Gas Act, as amended, or in the alternative for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the lease and operation of certain natural-gas distribu-

tion facilities hereinafter described and as more fully described in the application.

Applicant proposes to lease and operate:

(A) Approximately 25 miles of 6-inch gas transmission pipeline extending southward from a metering and regulating station on the 8-inch line of Texas Gas Transmission Corporation near Indianola, Mississippi, to the towns of Inverness, Isola, and Belzoni, all in Mississippi; and related distribution facilities along said line and in said towns, all owned by the Delta Natural Gas District.

(B) Approximately 14,000 feet of 2-inch natural gas transmission pipeline extending in a northeasterly direction from a point of connection on the said proposed 6-inch transmission pipeline to the community of Baird, Mississippi, and related distribution facilities along said line and in said community, all owned by the Delta Natural Gas District.

Applicant will receive its gas supply for the above operations from Texas Gas Transmission Corporation under contract dated August 14, 1950, a copy of which is on file with the Commission. Applicant has been informed by Delta Natural Gas District that the over-all cost of the proposed facilities is estimated at $675,000 and that construction of the proposed facilities will be completed about September 1, 1951.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8869; Filed, Aug. 1, 1951; 8:49 a. m.]

[Docket No. G-1746]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF APPLICATION

JULY 26, 1951.

Take notice that Mississippi Power & Light Company (Applicant), a Florida Corporation, of Jackson, Mississippi, filed on July 16, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the leasing and operation of the following described transmission pipeline facilities.

Applicant proposes to lease and operate approximately 19 miles of 4-inch pipeline extending southerly from a metering station on Texas Gas Transmission Company's transmission line near Leland, Mississippi, to the community of Hollandale, Mississippi, to serve the communities of Arcola and Hollandale.

Applicant proposes to lease and operate approximately 20 miles of 4-inch pipeline extending northerly from a metering station on Southern Natural Gas Company's transmission line to Anguilla, Mississippi, to serve the communities of Cary, Rolling Fork, and Anguilla.

These transmission lines are to be constructed by Deer Creek Natural Gas District, a political subdivision of the State of Mississippi, and Applicant proposes to lease and operate these facilities in accordance with a lease agreement.

In the alternative, Applicant requests a determination of the Federal Power Commission that the leasing and operation of such facilities is not subject to the jurisdiction of the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8870; Filed, Aug. 1, 1951; 8:49 a. m.]

[Docket No. G-1739]

ST. CHARLES GAS CORP.

NOTICE OF APPLICATION

JULY 26, 1951.

Take notice that St. Charles Gas Corp. (Applicant), a Missouri corporation with offices at 212 North Main Street, St. Charles, Missouri, filed on July 11, 1951, an application for:

(1) An order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing Mississippi River Fuel Corporation to establish a physical connection of its natural gas pipeline facilities in Madison County, Illinois, with a connecting pipeline which Applicant proposes to extend to the City of St. Charles, Missouri, and to sell natural gas to Applicant; and

(2) A certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing (a) the acquisition, through purchase, from Shell Pipe Line Corporation of approximately 71,000 feet (13.4 miles) of an existing oil pipeline of various (8, 10 and 16-inch) diameters, the use of which was discontinued in 1949 and which is now under contract to Applicant, (b) the construction of approximately 47,000 feet (8.9 miles) of 8⅝-inch (or in part 10-inch) diameter and approximately 3,000 feet (0.568 mile) of 6⅝-inch diameter pipeline, and (c) the operation of such pipeline facilities by Applicant, from a point of connection with the pipeline system of Mississippi River Fuel Corporation, in Madison County, Illinois, to the City of St. Charles, St. Charles County, Missouri; or, in the alternative, an order dismissing the application for such a certificate for want of jurisdiction.

According to the application, Applicant proposes to discontinue the distribution of propane-air gas (925 B. t. u.) and in substitution thereof to distribute natural gas and supply the entire natural gas requirements of the City of St. Charles, Missouri. Applicant estimates its initial demand for natural gas will be 500 Mcf per day, and in the fifth year, 2,360 Mcf per day. Applicant states that its present propane-air facilities are taxed to capacity; that in order to insure continuity of service, as well as adequately to meet the requirements of present and prospective customers, a supply of natural gas as applied for is required; that the total cost of expanding and operating Applicant's propane-air facilities to the extent sufficient to satisfy the requirements of its customers would be of such magnitude in comparison with anticipated earnings as to render such an expansion unfeasible.

The estimated capital cost of the project proposed by Applicant is $350,000, exclusive of the estimated capital cost of approximately $130,000 during the next five years for proposed additions to and extensions of Applicant's gas distribution system in and around the City of St. Charles, Missouri. Applicant proposes to finance the proposed project and additions to its distribution system by means of the issuance and sale of additional debt and equity securities.

Petitions or protests to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8871; Filed, Aug. 1, 1951; 8:49 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

ORDER GRANTING MOTION FOR ORAL ARGUMENT

JULY 25, 1951.

On June 11, 1951, South Carolina Public Service Authority, municipal licensee for Project No. 199, filed exceptions to a decision by the Presiding Examiner dated May 22, 1951, denying application for total exemption from annual charges for the years 1942 through 1946 and granting partial exemption.

The licensee requested oral argument before the Commission with respect to the following issues:

(1) The issue that the Santee-Cooper Project, License No. 199, is primarily designed to provide or improve navigation.

(2) The issue that the sales to the Pittsburgh Company were made at a loss, and thereby the licensee is entitled to a pro rata reduction in annual charges.

The Commission finds: It is appropriate and consistent with the public interest to grant the motion for oral argument on these two issues.

The Commission orders: Oral argument on exceptions in the above-entitled matter respecting the above issues, pursuant to § 1.31 of the Commission's rules of practice and procedure, be had before the Commission on November 14, 1951,

at 10:00 o'clock a. m., e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 27, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8872; Filed, Aug. 1, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATIONS OF AUTHORITY TO REGIONAL REPRESENTATIVES AND REGIONAL ENGINEERS WITH RESPECT TO DISASTER RELIEF PROGRAM

The following powers and authority are delegated to each Regional Representative of the Office of the Administrator, and to each Regional Engineer of the Office of the Administrator field offices, for use in connection with carrying out the functions and authority delegated to the Housing and Home Finance Administrator (herinafter called "Administrator") by the President of the United States (hereinafter called "President") in Executive Order 10221, entitled "Providing for the Administration of Disaster Relief," of March 2, 1951, 16 F. R. 2051 (March 6, 1951), relating to the furnishing of Federal assistance to States and local governments in major disasters, as authorized by the provisions of Public Law 875, 81st Congress, approved September 30, 1950, 64 Stat. 1109 (hereinafter referred to as the "act"):

a. After receipt of notice from the Administrator or Commissioner, Community Facilities (hereinafter called "Commissioner"), that the President has determined that a specific "Major disaster" has occurred within the meaning of the act and that funds have been allocated by the President to the Housing and Home Finance Agency for use in providing Federal assistance under the act in connection with the disaster, and after being informed by either such officer of the special limitations, if any, established by the President within which the relief assistance is to be carried on,

1. To enter into and execute, on behalf of the Administrator, agreements, including changes, between the United States of America, acting by and through the Administrator, and the governor of any State directly affected by the disaster, or his authorized representative, covering the types of disaster assistance to be furnished by the Federal Government under the authority of subsection 3 (d) of the act and in accordance with the Presidential determinations, and the obligations of the State and of the local governments within the State in the furnishing of disaster relief;

2. To enter into and execute agreements similar in purpose, including changes, with local governments within the State, where such agreements are contemplated in an agreement with the governor; and

3. In those cases where the State and local government agencies involved are so overburdened with relief work that direct contracting by the Federal Government with non-Governmental persons or firms for such work is advisable, to make, award, enter into and execute, in accordance with applicable laws, contracts, including changes, with private parties (persons, firms, corporations or other entities or organizations) for the furnishing of any of the types of disaster relief authorized by subsection 3 (d) of the act;

b. To authorize payments under any of the types of agreements or contracts, including changes, described in paragraph a.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C., 1946 ed. Sup. IV 1701c; 63 Stat. 413, 440 (1949), as amended, 12 U. S. C., 1946 ed. Sup. IV 1701d-1; Pub. Law 875, 81st Cong., approved Sept. 30, 1950, 64 Stat. 1109; E. O. 10221 of Mar. 2, 1951, 16 F. R. 2051 (1951))

Effective as of the 2d day of August 1951.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 51-8895; Filed, Aug. 1, 1951; 8:54 a. m.]

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Defense Mobilization

[Defense Mobilization Order 5, Amdt. 1]

MANPOWER POLICY COMMITTEE

ADDITION OF DEFENSE TRANSPORT ADMINISTRATOR TO MEMBERSHIP

1. Paragraph 1 of Defense Mobilization Order No. 5, issued by this Office under date of February 8, 1951, creating a Manpower Policy Committee, is hereby amended by adding the following language at the end thereof: "For those problems involving transportation, the Chairman shall add, for the purpose of discussion, the Administrator of the Defense Transport Administration."

2. This amendment shall take effect on August 2, 1951.

OFFICE OF DEFENSE MOBILIZATION, C. E. WILSON, *Director.*

[F. R. Doc. 51-8981; Filed, Aug. 1, 1951; 10:40 a. m.]

[Defense Manpower Policy Statement 1]

IMPLEMENTATION OF NATIONAL MANPOWER MOBILIZATION POLICY WITH RESPECT TO PROCUREMENT AND PRODUCTION SCHEDULING

Introduction. The National Manpower Mobilization Policy, promulgated by the President on January 17, 1951, includes the following statement of policy regarding the distribution of requirements for civilian manpower:

> Production will be scheduled, materials allocated and procurement distributed with careful consideration of available manpower. Whenever feasible from an economic and security standpoint, production facilities, contracts, and significant subcontracts will be located at the sources of labor supply in preference to moving the labor supply.

In carrying out this policy, it must be recognized that the success of the national defense program depends upon efficient use of all of our economic resources. In decisions affecting the scale, timing, and location of production and plant expansion activities, a wide variety of factors must be carefully weighed. In addition to manpower, these factors include considerations of security, access to materials, maximum use of existing plant facilities including small business, access to power and transportation, and others.

The over-riding consideration is the need to obtain required goods and services on schedule. The purpose of this policy statement is to provide for due consideration of manpower resources, industrial and agricultural, in defense program planning to achieve this basic aim.

Objectives of the policy. The manpower mobilization policy cited above is designed to achieve the following objectives:

1. To help assure timely delivery of required goods and services by locating the work where the needed workers are available;

2. To help assure utilization of the Nation's total manpower potential by making full use of each area's manpower resources;

3. To conserve manpower by:

a. Minimizing the need for migration;

b. Reducing labor turnover and absenteeism caused by inadequate housing and community facilities; and

c. Reducing the diversion of manpower and other resources required for construction of additional housing and community facilities.

Implementation of the policy. The National Manpower Mobilization Policy, issued by the President, calls for adherence to its provisions "by all departments and agencies with respect to programs under their control, subject to such amendments and supplements as may from time to time be issued by the Director of the Office of Defense Mobilization."

By virtue of the authority vested in me by Executive Order 10193, and in order to supplement the policy statement quoted above it is hereby ordered:

1. All departments and agencies engaged in the purchase of goods and services shall:

a. Issue instructions calling attention to the need for consideration of locally available labor supplies in planning delivery schedules and in procurement actions.

b. Arrange with the Department of Labor's Defense Manpower Administration for the distribution to procurement

and production scheduling officials of regularly published area labor market information necessary for carrying out this order. In addition:

(1) Procurement officials will obtain from the Department of Labor and affiliated State Employment Service Offices additional detailed manpower information on any labor market area in which the procurement officials find it necessary to ascertain that there is an adequate labor supply;

(2) With respect to designated labor shortage areas, as described in section 2 of this statement, procurement officials will in all cases obtain detailed information on labor market conditions before placing contracts involving significant additional manpower, so as to anticipate the manpower difficulties that may be encountered and to permit procurement officials to make a full evaluation of the nature of the labor shortage as related to other procurement factors applicable to the particular case.

c. Encourage prime contractors to locate sub-contracts with due consideration for area labor supplies and assist any prime contractor in an area of labor shortage to sub-contract work outside the area.

(1) Encourage prime contractors to advise their sub-contractors that the local public employment office serving the area in which work on a Government order is to be performed should be informed of anticipated labor requirements for fulfillment of the order.

d. In carrying out procedures for review and evaluation of compliance with this section, obtain such assistance as may be needed from the Department of Labor's Defense Manpower Administration.

2. No area will be designated a labor shortage area for purposes of this order until there is, or is expected to be, a substantial participation of its labor force in defense or defense supporting activities. For the purposes of this policy statement, the Department of Labor's Defense Manpower Administration shall obtain the agreement of the Department of Defense and the Defense Production Administration in establishing the specific criteria under which areas will be classified as labor shortage areas.

3. Departments and agencies responsible for the operation of Government facilities and installations shall:

a. Take area labor supplies into consideration in decisions regarding the location, re-location, expansion or contraction of such facilities and installations where significant operating manpower implications are involved; and for this purpose, arrange to obtain and use pertinent area labor market information from the Department of Labor's Defense Manpower Administration.

b. Provide local public employment offices with information regarding civilian labor requirements at Government facilities and installations.

4. Agencies responsible for promoting industrial and economic expansion for national defense shall:

a. Insure adequate consideration of manpower factors in decisions on applications for necessity certificates authorized under Section 124A of the Internal Revenue Code and for business expansion loans authorized under the Defense Production Act of 1951.

b. Consult with the Department of Labor's Defense Manpower Administration before recommending the granting of applications requiring a substantial number of additional workers in areas designated by the Department of Labor's Defense Manpower Administration as labor shortage areas or areas in which there is a currently balanced labor supply.

c. Obtain the assistance of the Department of Labor's Defense Manpower Administration as required, to assure an adequate labor supply for certified new facilities and to determine the kinds of manpower information which should be required from applicants for necessity certificates or business expansion loans.

5. Departments and agencies responsible for exercising priorities and allocations functions shall:

a. Give due consideration to the effects on employment, unemployment and labor supply of contemplated program actions.

b. In the consideration of orders and regulations which affect civilian production levels, afford the Department of Labor's Defense Manpower Administration an opportunity to provide evidence as to their impact on individual labor market areas.

c. Obtain pertinent manpower information from the Department of Labor's Defense Manpower Administration as necessary for consideration in decisions on conservation order appeals which are based on the importance to defense production of maintaining the appellant's work force or on community hardship resulting from unemployment.

6. The Defense Production Administration, in performing the central program functions incident to the determination of the production program required to meet defense needs, shall:

a. Take manpower requirements and resources into account before authorizing production programs requested by claimant agencies and before programming the expansion of production capacity and supply.

(1) For this purpose, obtain the advice of the Department of Labor's Defense Manpower Administration in the evaluation of program plans as they relate to manpower resources.

7. The Department of Labor's Defense Manpower Administration in supplying the basic data and assistance needed by agencies engaged in central programming, purchasing of goods and services, operating Government facilities and installations, promoting resources expansion for national security and exercising material priorities and allocations shall:

a. Provide information as to current area labor market conditions and as to the prospective labor market conditions that would exist if it should become necessary to mobilize more fully.

b. Provide production and procurement agencies with needed data and analysis with respect to national manpower requirements and resources as well as estimated manpower requirements for major industrial segments of the economy.

c. Provide, pursuant to the provisions of Executive Order 10161, such other feasible assistance which the agencies may require for compliance with this policy statement.

d. Make arrangements to consult and advise with the agencies performing functions described above to insure that manpower factors are taken into full consideration in their program actions.

8. Every effort shall be made to assure that unemployment due to materials shortages and conversion to defense production is held to a minimum. To that end:

a. The Department of Labor's Defense Manpower Administration shall estimate future employment and unemployment levels long enough in advance to allow corrective actions to be taken.

b. Production and procurement agencies will take special notice of conditions of high levels of current or expected unemployment in given areas as reported by the Department of Labor's Defense Manpower Administration in this connection, and, consistent with other procurement considerations, shall make every effort to assign material allocations and procurement contracts to such areas.

9. All departments and agencies affected by this order shall exchange information necessary to carry out the policies set forth in this order.

10. This statement shall take effect on August 2, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-8982; Filed, Aug. 1, 1951; 10:41 a. m.]

[Defense Manpower Policy Statement 2]

MANPOWER PROGRAM FOR THE MACHINE TOOL INDUSTRY

Objective of the policy. Metalworking tool production must be increased. This requires adequate manpower with the right skills at the right places at the right time. The purpose of this policy statement is to achieve that objective.

Implementation of the policy. By virtue of the authority vested in me by Executive Order 10193 and to carry out the policy set forth above, it is hereby ordered:

1. The Department of Labor's Defense Manpower Administration shall consult with the representatives of labor and management in the machine tool industry relating to the manpower problems of that industry and shall in consultation with the appropriate regional and area labor-management committees:

a. Determine what additional measures can be taken to meet the industry's manpower requirements by further job breakdown, up-grading of trained men, job standardization, on-the-job training and programs to reduce absenteeism and turn-over.

b. Conduct intensive recruitment programs, both intra-area and inter-area, to meet the manpower requirements of the industry.

c. Determine training requirements of the industry in the skills needed by the industry in each area and certify the need for such training to appropriate Government agencies.

d. Take action to identify and solve community problems affecting manpower supply for the industry. Attention will be given to such matters as housing, transportation and voluntary transfer of workers from activities not related to defense, defense supporting or the national health, safety, and interest.

2. Regional Defense Mobilization Committees shall bring the facilities of all appropriate Government agencies to bear on the solution of manpower problems of the machine tool industry.

3. The Department of Labor's Defense Manpower Administration, the Selective Service System and the Department of Defense shall develop policies applicable to the induction and deferment of apprentices which can be applied to the machine tool industry.

4. The Selective Service System shall alert its local draft boards to the urgent manpower requirements of the machine tool industry in order that induction of skilled machine operators for whom replacements are not available may be minimized.

5. The Federal Security Agency shall develop, and, through appropriate channels, conduct training to meet the requirements certified by the Department of Labor's Defense Manpower Administration to meet the manpower requirements of the machine tool industry.

6. The Wage Stabilization Board shall, within the limits of its authority, give immediate consideration of the question whether wage adjustments are necessary to meet the manpower requirements of the machine tool industry.

7. The Department of Defense shall within existing policy give special consideration to the skilled manpower needs of the machine tool industry in calling up for active duty members of the civilian reserve components.

8. This statement shall take effect on August 2, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-8983; Filed, Aug. 1. 1951; 10:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION

CINCINNATI STOCK EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission today announced that it had declared effective a plan filed on June 20, 1951, by the Cincinnati Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of the following material which has been on file with that Exchange for more than five years under the stated sections of the act or the rules and regulations thereunder:

(1) Forms 1-J, 2-J, 15-AN, and AN-4 filed pursuant to section 12.

(2) Reports filed pursuant to section 13, except reports on Form 8-K reporting other than quarterly sales.

(3) Documents and reports filed pursuant to sections 14 and 16.

The Cincinnati Stock Exchange proposes to commence the disposition of the specified material in October 1951. The plan also contemplates that thereafter, in October of each year, regular disposition will be made of similar material which has been on file more than five years. Notice of the Commission's proposal to declare this plan effective was published for comment in Securities Exchange Act Release No. 4623.

The purpose of the plan is to alleviate the record storage problem of the Exchange and to facilitate the availability of material filed with the Exchange within five years. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and § 240.17a-6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the plan filed on June 20, 1951, by the Cincinnati Stock Exchange pursuant to § 240.17a-6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said plan by sending at least 10 days' written notice to the Cincinnati Stock Exchange.

The Commission finds that § 240.17a-6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action may be and is hereby declared to be effective July 24, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 24, 1951.

[F. R. Doc. 51-8878; Filed, Aug. 1, 1951; 8:51 a. m.]

[File No. 71-15]

PEOPLES NATURAL GAS CO.

NOTICE OF FILING OF PROPOSALS FOR DISPOSITION OF ADJUSTMENTS RELATING TO GAS PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of July A. D. 1951.

Notice is hereby given that Peoples Natural Gas Company ("Peoples"), a gas utility subsidiary of Northern Natural Gas Company ("Northern"), a registered holding company, has filed studies, and amendments thereto, relative to the original cost and reclassification of its gas plant accounts as of December 31, 1948, including proposals for the disposition of adjustments relating to gas plant pursuant to Rule U-27 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than August 20, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and issues, if any, of fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 20, 1951, the Commission may take such action as may be deemed appropriate with respect to the matters herein concerned.

All interested persons are referred to said studies which are on file in the offices of the Commission for a statement of the adjustments therein proposed, which are summarized as follows:

Peoples filed its original cost and reclassification studies of its gas plant on October 2, 1950 in accordance with Plant Instruction 2-D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas companies (which system of accounts has been made applicable by Rule U-27). Such studies were made as of December 31, 1948, and reclassified $10,483.89 to Account 100.5, Gas Plant Acquisition Adjustments and a credit of $2,896.80 to Account 107, Gas Plant Adjustments.

The staff of the Commission made a field examination and filed its report in connection therewith, copies of which report were submitted to the company. Peoples amended its studies so as to give effect to the recommendations contained in the staff's report and now proposes to classify an amount of $29,790.45 in Account 100.5, Gas Plant Acquisition Adjustments and an amount of $26,510.88 in Account 107, Gas Plant Adjustments.

Peoples now proposes to eliminate the amount of $29,790.45 as reclassified to Account 100.5 by charging $23,790.45 to Account 271, Earned Surplus, and the balance of $6,000.00 to Account 250, Reserve for Depreciation.

The amount of $26,510.88 as reclassified to Account 107, is proposed to be eliminated by charging $11,251.32 to Account 146, Other Deferred Debits; $11,000.00 to Account 250, Reserve for Depreciation; and the balance of $4,259.56 to Account 271, Earned Surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-8879; Filed, Aug. 1, 1951; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17075, Amdt.]

FREDERICK KLAEBER ET AL.

In re: Interests in and rights under real estate contracts, mortgages and claims owned by Frederick Klaeber, also known as Frederic Klaeber, and others. F-28-13724-B-1.

Vesting Order No. 17075, dated January 17, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Klaeber, also known as Frederic Klaeber, whose last known address is 15 Chamberlain Street, Berlin-Zehlendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the County of Ramsey, State of Minnesota, and known and designated as Lot 6, Block 4, College Place, Taylor's Division and all interests and all rights of the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof, arising out of that certain real estate contract covering the said real property, and more particularly described as a contract for deed between Security Land and Investment Company and Willard F. Sammon and Mary V. Sammon, his wife, dated August 29, 1950, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All those certain debts or other obligations owing to the person named in subparagraph 1 hereof, and to the persons referred to in subparagraph 2 hereof, and secured by mortgages covering real properties situated in Hennepin and Dakota Counties, Minnesota, and more particularly described in Exhibit A, set forth below and by reference made a part hereof, and which said mortgages are now being serviced, or were heretofore serviced, by and are known to David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, including but not limited to all security rights in and to any and all collateral (including said mortgages) for any and all such obligations and the right to possession of all mortgages, notes, bonds or other instruments evidencing such obligations, and

c. All those certain debts or other obligations owing to the person named in subparagraph 1 hereof and to the persons referred to in subparagraph 2 hereof by David C. Bell Investment Company, 501 Second Avenue South, Minneapolis, Minnesota, arising out of collections made by said company for the account of said persons and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

(1) A mortgage executed on June 15, 1945, by Emil J. Beckstrom and Latona B. Beckstrom, his wife, to David C. Bell Investment Company and recorded on June 22, 1945, in the office of the Register of Deeds of Hennepin County, Minnesota, in Book 2226 of Mortgages, Page 71 etc., as Document No. 2292599,

(2) A mortgage executed on December 14, 1945, by Leo C. Kirkbride and Angeline Kirkbride, also known as Angeline G. Kirkbride, his wife, to David C. Bell Investment Company and recorded on January 4, 1946, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 311, Page 96335, as Document No. 214521.

(3) A mortgage executed on November 15, 1946, by Harry J. Lee and Margaret F. Lee, his wife, to David C. Bell Investment Company and recorded on November 21, 1946, in the office of the Register of Deeds of Hennepin County, Minnesota, in Book 2321 of Mortgages, Page 6, as Document No. 2410484,

(4) A mortgage executed on November 25, 1946, by Bertil G. Peterson and Evelynne I. Peterson, his wife, to David C. Bell Investment Company and recorded on November 27, 1946, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 274, Page 85178, as Document No. 232303,

(5) A mortgage executed on March 11, 1947, by Elmer L. Erickson and Katherine L. Erickson, his wife, to David C. Bell Investment Company and recorded on March 14, 1947, in the office of the Register of Deeds of Hennepin County, Minnesota, in Book 2321 of Mortgages, Page 219, as Document No. 2428960,

(6) A mortgage executed on July 18, 1947, by Raymond D. Black and Barbara B. Black, his wife, to David C. Bell Investment Company and recorded on July 24, 1947, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 387, Page 118979, as Document No. 245623,

(7) A mortgage executed on November 7, 1947, by Alvin P. Anfenson and Helen Anfenson, his wife, to David C. Bell Investment Company and recorded on November 19, 1947, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 404, Page 124291, as Document No. 253648,

(8) A mortgage executed on July 1, 1948, by Edward E. Uhlein, a widower, and Frances L. Uhlein, unmarried, to David C. Bell Investment Company and recorded on July 6, 1948, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 353, Page 108836, as Document No. 266850,

(9) A mortgage executed on November 8, 1948, by Maurice I. McCaffrey and Elizabeth Downing McCaffrey, his wife, to David C. Bell Investment Company and recorded on November 16, 1948, in the office of the Register of Deeds of Hennepin County, Minnesota, in Book 2386 of Mortgages, Page 69 etc., as Document No. 2535018,

(10) A mortgage executed on April 6, 1949, by Emory C. Ensign and Julia von Kuster Ensign, his wife, to David C. Bell Investment Company and recorded on April 11, 1949, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 210, Page 65963, as Document No. 282228,

(11) A mortgage executed on August 19, 1949, by Delos A. Dreher and Helen T. Dreher, his wife, to David C. Bell Investment Company and recorded on September 19, 1949, in the office of the Registrar of Hennepin County, Minnesota, in Vol. 476, Page 145747, as Document No. 292585,

(12) A mortgage executed on May 17, 1950, by Norman John Thompson and Dorothy Priscilla Thompson, his wife, to David C. Bell Investment Company and recorded on June 6, 1950, in the office of the Register of Deeds of Hennepin County, Minnesota, in Book 2491 of Mortgages, Page 239 etc., as Document No. 2629666,

(13) A mortgage executed on August 3, 1950, by Christen K. Erikstrup and Anna C. Erikstrup, his wife, to David C. Bell Investment Company (unrecorded), secured by real property known and designated as the Southeast quarter of the Southeast quarter of Section 28, the Northeast quarter of the Northeast quarter and, the Southeast quarter of the Northeast quarter of Section 33, all in Township 27, Range 23, Dakota County, State of Minnesota,

(14) A mortgage executed on December 1, 1950, by John H. Bryan and Elise Liane Bryan, his wife, to David C. Bell Investment Company and recorded on December 11, 1950, in the office of the Registrar of Titles of Hennepin County, Minnesota, in Vol. 476, Page 145641, as Document No. 329953.

[F. R. Doc. 51-8842; Filed, July 31, 1951; 8:55 a. m.]

[Vesting Order 18248]

HUGO STINNES, JR., ET AL.

In re: Securities owned by and debts owing to Hugo Stinnes, Jr., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, and Hilde Fiedler, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Clare Wagenknecht Stinnes, Sr., who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1951, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debentures described in Exhibit A, set forth below and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled "#80705-blocked, Swiss Bank Corporation, Zurich, Switzerland", said account formerly being entitled "Banque Commerciale de Basle, Zurich, Switzerland", together with any and all rights thereunder and thereto,

b. Those certain notes described in Exhibit B, set forth below and by reference made a part hereof, presently in the custody of The Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, in a blocked account for Swiss Bank Corporation, Zurich, Re 1940 Plan of Extension, together with any and all rights thereunder and thereto, including any and all rights in, to and under "1940 Plan of Extension."

c. Those certain debentures described in Exhibit C, set forth below and by reference made a part hereof, presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "Fundus, Ltd., Fiduciary Company, Zurich, Switzerland," formerly known as "Fundus S. A., Lauzanne, Switzerland," together with any and all rights thereunder and thereto,

d. Those certain debts or other obligations, matured or unmatured, evidenced by 7 percent Gold Notes of Hugo Stinnes Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Maryland, said Notes due July 1, 1940, and described in Exhibit D, set forth below and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Notes.

e. One thousand (1,000) shares of $5.00 (Five) par value common stock of Hugo Stinnes Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered NY5147, NY 5148/50, NY 5157/8 and NY 5189/92. for 100 shares each, registered in the name of N. V. Transport-en Agentuur-Maatschappij, together with all declared and unpaid dividends thereon,

f. One hundred (100) shares of $5.00 (Five) par value common stock of Hugo Stinnes Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered NY5386 for 100 shares, registered in the name of N. V. Edmund Wagenknecht Handel-Maatschappij, together with all declared and unpaid dividends thereon,

g. Fifteen (15) shares of $5.00 (Five) par value common stock of Hugo Stinnes Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered NY 09766 for 15 shares, registered in the name of Lee & Co., and presently in the custody of The Chase National Bank of the City of New York, in an account entitled "Account No. 84500-Blocked", of Swiss Bank Corporation, Zurich, together with all declared and unpaid dividends thereon,

h. That certain debt or other obligation of The American Express Company, Inc., New York Agency, 65 Broadway, New York, N. Y., arising out of funds held in a blocked account for Fundus, Ltd., Fiduciary Company, Zurich, Switzerland, formerly known as Fundus S. A., Lauzanne, Switzerland, and representing income and accumulations on the debentures described in subparagraph 3 (c) hereof, together with any and all rights to demand, enforce and collect, the same,

i. That certain debt or other obligation of The American Express Company, Inc., New York Agency, 65 Broadway, New York, N. Y., arising out of funds held in a "General Ruling #6 account for Fundus, Ltd., Fiduciary Company, Zurich, Switzerland, formerly known as Fundus S. A., Lauzanne, Switzerland representing income and accumulations on the debentures described in subparagraph 3 (c) hereof, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Cläre Wagenknecht Stinnes Sr., the aforesaid nationals of a designed enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1, and 2, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of issue. Hugo Stinnes Industries, Inc., 7 Percent S/F/G Debentures, due October 1, 1946, issued in bearer form.

Face value. $1,000 each.

Bond numbers. .12, .23, .24, .154, .351, .369, .402, .403, .468, .469, .472, .535, .536, .537, .538, .539, .540, .541, .542, .543, .544, .545, .567, .581, .582, .610, .631, .635, .650, .727, .739, .764, .765, .769, .843, .851, .852, .853, .854, .1079, .1080, .1081, .1082, .1105, .1176, .1177, .1178, .1179, .1180, .1183, .1184, .1186, .1187, .1247, .1253, .1326, .1327, .1337, .1338, .1399, .1431, .1442, .1547, .1548, .1693, .1694, .1700, .1727, .1759, .1760, .1878, .1891, .2032, .2094, .2132, .2174, .2175, .2176, .2177, .2178, .2179, .2268, .2269, .2273, .2303, .2390, .2422, .2423, .2486, .2487, .2520, .2575, .2576, .2582, .2583, .2629, .2656, .2657, .2700, .2723, .2724, .2770, .2856, .2953, .2960, .2961, .2962, .2963, .2982, .2983, .3068, .3069, .3097, .3104, .3179, .3235, .3236, .3323, .3373, .3374, .3375, .3376, .3377, .3444, .3445, .3446, .3495, .3498, .3499, .3612, .3634, .3635, .3644, .3645, .3646, .3647, .3658, .3659, .3667, .3668, .3699, .3753, .3767, .3768, .3772, .3773, .3806, .3858, .3946, .3980, .3991, .4017, .4069, .4140, .4144, .4147, .4148, .4150, .4239, .4244, .4251, .4301, .4330, .4387, .4374, .4503, .4558, .4559, .4599, .4627, .4643, .4644, .4645, .4659, .4676, .4677, .4678, .4679, .4680, .4692, .4701, .4702, .4703, .4704, .4705, .4706, .4707, .4708, .4710, .4711, .4716, .4717, .4746, .4824, .4835, .4836, .4837, .4919, .4946, .5128, .5129, .5211, .5212, .5216, .5272, .5273, .5350, .5351, .5352, .5362, .5363, .5377, .5404, .5419, .5430, .5497, .5494, .5495, .5496, .5525, .5572, .5573, .5574, .5579, .5580, .5581, .5619, .5715, .5722, .5738, .5740, .5759, .5963, .5964, .5965, .6005, .6006, .6007, .6008, .6090, .6111, .6230, .6231, .6259, .6265, .6273, .6274, .6275, .6276, .6342, .6346, .6373, .6374, .6375, .6419, .6587 .6656, .6691, .6692, .6705, .6745, .6778, .6847, .6880, .6925, .7018, .7040, .7154, .7176, .7210, .7278, .7282, .7288, .7352, .7353, .7354, .7355, .7356, .7402, .7403, .7432, .7524, .7525, .7526, .7527, .7528, .7566, .7717, .7819, .7820, .7821, .7822, .7823, .7897, .7908, .7909, .7910, .8045, .8049, .8054, .8058, .8078, .8187, .8188, .8231, .8242, .8243, .8244, .8276, .8435, .8460, .8462, .8463, .8468, .8587, .8627, .8628, .8646, .8740, .8782, .8783, .8805, .8917, .8918, .8940, .8992, .9142, .9143, .9144, .9145, .9146, .9265, .9329, .9330, .9413, .9415, .9581, .9613, .9639, .9659, .9660, .9661, .9662, .9687, .9688, .9842, .9973, .9998, .10015, .10022, .10023, .10059, .10168, .10216, .10225, .10300, .10301, .10303, .10305, .10321, .10340, .10362, .10481, .10482, .10483, .10484, .10535, .10632, .10778, .10779, .10882, .10823, .10830, .10831, .10832, .10834, .10866, .10867, .10868, .10869, .10870, .10929, .10934, .10955, .10956, .10981, .10985, .10992, .11007, .11232, .11233, .11309, .11310, .11311, .3197, .9414, .11220, .9269, .2990, .4367.

EXHIBIT B—NOTES

Description of issue. Hugo Stinnes Corporation, 7 Percent Gold Notes, due July 1, 1940, issued in bearer form.

Face value. $1,000 each.

Number of note. (M) 3520, 3438/29, 3331, 3133, 2945, 2800, 2263/59, 2253, 2202/2201, 1942, 1909/1907, 1896, 1709/1708, 1547, 1498, 1411, 1198, 1184, 1065, 716, 693/692, 612, 595/593, 556, 415/414, 397, 224, 155, 4.

EXHIBIT C—BONDS

Description of issue. Hugo Stinnes Industries, Inc., 7 Percent S/F/G Debentures, due October 1, 1946, issued in bearer form.

Face value. $1,000 each.

Bond number. (M) 4086/7, 1899, 324, 376/80, 317, 5611, 6358, 10931, 8934, 9507, 3342/6, 8536, 8720, 8641, 7671/2, 6317, 5998, 5989, 5219, 5007, 4076, 3682, 3551, 2678, 2407, 2321/3, 2319, 2289, and 2281/2.

Face value. $500.

Bond number. (D) 670, 651, 458, 438/9, and 4.

EXHIBIT D—NOTES

Description of issue. Hugo Stinnes Corporation, 7 Per Cent Gold Notes, due July 1, 1940, issued in bearer form.

Face value. $1,000 each.

Number of note. (M) 4262, 4448, 4449, 4524, 4635, 4655, 4751, 4799, 4827, 4828, 4917, 4936, 5157, 5172, 5411, 5413, 5643, 5952, 6251, 6365, 6749, 7207, 7208, 7209, 7210, 7211, 7329, 7374, 7429, 7430, 7431, 7432, 7433, 7434, 7493, 7847, 7910, 7911, 7912, 7947, 7948, 8162, 8163, 8164, 8178, 8179, 8599, 8661, 8762, 8782, 8961, 8965, 8966, 8991, 8992, 8993, 9276, 9336, 9337, 9338, 9339, 9340, 9342, 9343, 9352, 9579, 9580, 9581, 9589, 9590, 9591, 9592, 9593, 9628, 9698, 9800, 9802, 9809, 10045, 10156, 10190, 10192, 10235, 10420, 10514, 10590, 10591, 10592, 10593, 10618, 10647, 10938, 11025.

Face value. $500 each.

Number of note. (D) 8, 64, 65, 89, 136, 146, 159, 226, 242, 302, 346, 349, 382, 450, 467, 479, 517, 533, 554, 555, 588, 673, 680, 703, 746, 750, 786, 847, 852, 878, 911, 917, 918, 920, 921, 922, 923, 924, 934, 1002, 1003, 1022, 1025, 1028, 1038, 1044.

[F. R. Doc. 51-8899; Filed, Aug. 1, 1951; 8:54 a. m.]

[Vesting Order 18249]

H. STURZENEGGER & CIE AND/OR I. G. FARBENINDUSTRIE

In re: Securities and cash owned by H. Sturzenegger & Cie., and/or I. G. Farbenindustrie. F-28-2876.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfurt, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That H. Sturzenegger & Cie. is a limited partnership organized under the laws of Switzerland, whose principal place of business is located at Basle, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid I. G. Farbenindustrie A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. All blocked securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) presently held in custody in accounts in the name of H. Sturzenegger & Cie. by the banks and other financial institutions whose names and addresses are set forth in Exhibit A, set forth below and by reference made a part hereof, together with any and all rights thereunder and thereto and any and all declared and unpaid dividends on shares of stock, and

b. All those certain debts or other obligations of the banks and other financial institutions whose names and addresses are set forth in Exhibit A, referred to in subparagraph 3-a hereof, arising out of blocked balances in deposit or custody cash accounts maintained with said banks and financial institutions in the name of H. Sturzenegger & Cie., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by H. Sturzenegger & Cie. and/or I. G. Farbenindustrie A. G., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That H. Sturzenegger & Cie. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of Bank or Other Financial Institution and Address

Brown Bros. Harriman & Co., New York, N. Y.
The Chase National Bank of the City of New York, New York, N. Y.
Bank of the Manhattan Co., New York, N. Y.
The National City Bank of New York, New York, N. Y.
Swiss Bank Corp., New York Agency, New York, N. Y.
Fahnestock & Co., New York, N. Y.
Bankers Trust Co., New York, N. Y.
Credit Suisse, New York Agency, New York, N. Y.
Irving Trust Co., New York, N. Y.
Dominick & Dominick, New York, N. Y.
Central Hanover Bank & Trust Co., New York, N. Y.

[F. R. Doc. 51-8900; Filed, Aug. 1, 1951; 8:54 a. m.]